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C.R.P. (NPD) Nos. 3892 & 3893 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.01.2022**

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

C.R.P. (NPD) Nos.3892 & 3893 of 2019
and C.M.P. No.25678 of 2019

Kulasekar Kumar

...Petitioner in both petitions

Versus

T.Masthanamma

...Respondent in both petitions

Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order and decretal order in R.C.A. Nos.507 & 521 of 2013 by the Appellate Authority, VII Small Causes Court, Chennai dated 31.01.2019 modifying the order in R.C.O.P. No.2015 of 2010 by the learned Rent controller, XI Small Causes Court, Chennai dated 14.08.2013.

For Petitioner : Mr. K.J.Parthasarathy
(in both petitions)

For Respondent : Mr. V.K.Sethukumar
(in both petitions)



COMMON ORDER

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These Civil Revision Petitions are directed against the order of the learned Rent Controller, XI Small Causes Court, Chennai, in R.C.A. Nos.507 & 521 of 2013 as against the order of Rent Controller in R.C.O.P. No.2015 of 2010. Revision petitioner is the tenant. Respondent / Landlord filed R.C.O.P. No.2015 of 2010 for fixing fair rent at the rate of Rs.1,29,690/- per month for the demised premises. Rent Controller fixed fair rent as Rs.38,133/- from the date of petition i.e. 15.11.2010. Aggrieved by the order of Rent Controller, the respondent / landlord filed R.C.A. No.507 of 2013 and the petitioner / tenant preferred R.C.A. No.521 of 2013 before the Appellate Authority who enhanced the fair rent to Rs.1,40,500/- per month and dismissed R.C.A. No.521 of 2013. Aggrieved by the same, the above revision petitions have been filed by the tenant.

2. Learned counsel for the revision petitioner submitted that the above petitions are against the order of Appellate Authority enhancing fair rent from Rs.38,133/- per month to Rs.1,40,510/- per month. He further states that the revision petitioner was not given a fair opportunity to argue the case before the Appellate Authority and that the procedure contemplated for disposal of the



appeal under Section 23 of the Tamil Nadu Buildings (Lease and Rent Control)

Act, in terms of Rule 16, is not followed by the Appellate Authority.

3. Learned counsel for the respondent landlord states that learned counsel for the petitioner was given a fair opportunity and that the counsel failed to utilise the same by taking unnecessary adjournments at the time of arguments. Learned counsel appearing for the revision petitioner states that the matter may be remitted to the Appellate Authority with a direction to dispose of the appeal on merits after hearing both sides within a time limit fixed by this Court. Learned counsel appearing for the respondent landlord also agreeable for this course provided the tenant deposit the fair rent at least as fixed by the Rent Controller, within a period of three months.

4. In view of the submissions of the learned counsel appearing on either side, this Court is inclined to dispose of these Civil Revision Petitions with the following directions:

The order of learned Appellate Authority enhancing the fair rent from Rs.38,133/- per month to Rs.1,40,510/- per month is set aside. However, the matter is remitted to the Appellate Authority to pass an order afresh after hearing the petitioner and respondent, on merits. The Appellate Authority is



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directed to dispose of the appeal within a period of three months from the date of receipt of a copy of this order. In case, the hearing of appeal is likely to be extended beyond the time limit due to Covid situation, the parties shall cooperate for early disposal of the appeal. The revision petitioner is directed to pay the entire arrears of rent calculated at the fair rent fixed by the Rent Controller in three installments within a period of three months from today. The 1/3rd of the entire amount as arrears shall be paid directly to the respondent landlord on or before 10.02.2022. Similarly, the other two installments shall be paid on or before 10.03.2022 and 10.04.2022 respectively. The above direction shall be understood so that the amount paid already by tenant at contractual rent can be adjusted towards the amount payable as per the direction in this order. The parties shall appear before the Appellate Authority on 20.01.2022.

5. With the above directions, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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The Rent Controller, XI Small Causes Court, Chennai.



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S.S.SUNDAR, J .,

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