



WEB COPY



C.R.P.No.3516 of 2022
and C.M.P.No.18710 of 2022

S.SOUNTCHAR, J.

Today, the matter came up for hearing under the caption, 'for being mentioned'.

2. In Paragraph 15 of the original order, it is observed as follows;

"As far as the other ground raised by the respondent for repossession namely, owners occupation and misuse of premises are concerned, the actual requirement of the respondent for her own occupation and the extent of misuse made by the petitioners have to be assessed by the Rent Court in the enquiry. The alteration made in the demised premises may not amount to misuse of the premises unless the alteration is material so as to affect the utility of the demised premises."

3. It is the contention of the learned counsel for the respondent that the observation of this Court in paragraph 15 would prejudice the mind of the Court below. In paragraph 15, it is clearly mentioned that the merits of



S.SOUNTHAR, J.

the respondent's claim on the grounds of owner's occupation and misuse of the premises have to be considered based on the evidence at the time of enquiry by the Rent Court. Therefore, I do not think the observation in paragraph 15 would any way cause prejudice to the claim of the respondent on merits.

4. It is made clear that the claim of both the parties have to be assessed by the Rent Court uninfluenced by any of the observations made by this Court in the order.

30.11.2022

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