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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	27.04.2022
DELIVERED ON	10.06.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P(MD)No.1387 of 2018

PR.AL.N.M.A.N.Muthukaruppan Chettiar
...Revision Petitioner/Respondent/Petitioner

Vs.

Yogesh Goyal
...Respondent/Appellant/Respondent

PRAYER: Civil Revision Petition under Section 25 of Tamil Nadu Buildings (Lease & Rent Control) Act 1960, to set aside the fair and decretal order passed in R.C.A.No.60 of 2014 dated 22.09.2017 on the file of the Rent Control Appellate Authority/Principal Sub Court, Madurai reversing the fair and decretal order passed in R.C.O.P.No.56 of 2003 dated 08.08.2014, on the file of the learned Rent Controller/District Munsif Court, Madurai Taluk by allowing this Revision.

For Petitioner : Mr.S.Lakshmanasamy
For Respondent : Mr.R.Janakiramulu

ORDER

The revision petitioner/respondent/petitioner/landlord filed this revision to set aside order in RCA No.60 of 2014.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The landlord has filed a petition in RCOP No.56 of 2003 for fixing fair rent. Monthly rent already paid by the tenant was Rs.350/-per month. The Rent Control Court fixed the rent at Rs.9695/-per month. Aggrieved by the order the tenant has filed an appeal in RCA No.60 of 2014 and in the said RCA, the appellate Court has partly allowed the RCA and reduced the rent to Rs.5036/-per month. Aggrieved by the order the present revision has been filed.

4.Heard on either side and perused the material documents available on record.



5.This Civil Revision is filed on the ground that the Lower Appellate Court did not appreciate the evidences of Officer of the Registration Department, Madurai and Tamil Nadu Public Works Department Divisional Engineer (Building). The market value of the building but the same is not appreciated by the Court is illegal and liable to be set aside. The learned Rent Controller Appellate Authority has not taken in to consideration that the authorities submitted on behalf of the petitioner.

6.The landlord has filed the petition to evict the tenant on the ground of demolition and reconstruction, since the building is old and in dilapidated condition. Now he cannot claim rent on the basis of market value.

7.The learned Appellate Court has rightly fixed the value of property on the basis of Ex.P.2 as 560 per sq.feet since the document is equivalent for the period of filing RCOP.

8.So this Court has no valid reason to interfere with the findings of appellate Court.

9.Finally, this Civil Revision Petition stands dismissed by confirming the order, dated 22.09.2017 in R.C.A.No.60 of 2014 passed by the learned Rent Control Appellate Authority/Principal Sub Judge, Madurai reversing the fair and decretal order, dated 08.08.2014 in R.C.O.P.No.56 of 2003 passed by the learned Rent Controller/District Munsif, Madurai Taluk. No Costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Rent Control Appellate Authority/
Principal Sub Court, Madurai.

2. The learned Rent Controller/District Munsif Court,
Madurai Taluk.

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Copy to

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

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+1 CC to M/s.R.JANAKI RAMULU, Advocate (SR-25056[F] dated
10/06/2022)

+1 CC to M/s.S.LAKSHMANASAMY, Advocate (SR-25122[F] dated
10/06/2022)

Order made in
C.R.P. (MD) No.1387 of 2018
10.06.2022

sg (CO)
TR(22.06.2022) 3P 7C