



C.R.P.No.2790 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2790 of 2015

Mridula Rathi

.. Petitioner

VS

1.Sundarabai A Kathare

2.Nagaraj A Kathare

3.Ravindra A Kathare

.. Respondents

Petition filed under Section 25 of the Tamil Nadu Buildings / Lease and Rent Control Act, 1960 as amended by Act 23 of 1973 and Act 1 of 1980 to set aside the judgment and decree in RCA No. 369 of 2012 dated 21.08.2014 on the file of VII Judge, Small Cause Court, Chennai and confirm the fair and decreetal order in RCOP No. 1240 of 2010 dated 04.04.2012 on the file of XIII Judge, Small Cause Court, Chennai.

For Petitioner

:

Mr.Sandeep S Shah

ORDER

This is a petition for fixation of fair rent. The type of building, age of the building, depreciation, basic amenities, plinth area, cost



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of construction and apportioned site area, are not seriously disputed.

2. The only dispute that Mr.Sandeep S Shah, learned counsel for the petitioner states that the Court has fixed an abnormal value for the land at Rs.75 lakhs after having chosen to rely upon Ex.R3, under which the value was only Rs.46,92,305/-. The Court had not accepted the value given under Ex.P3, which was at Rs.2,28,09,600/-.

3. The learned trial Judge in order to arrive at the figure of Rs.75 lakhs for land value had compared Ex.P3 with Ex.R3 and in addition had taken into consideration the locational advantages available for the property situated at Seven Wells Street.

4. This factual appreciation had also found acceptance before the Rent Controller Appellate Authority in RCA No.369 of 2012. The appeal was dismissed on 21.08.2014. The Courts below have fixed the value on the basis of not only on the sale deed but also locational advantage of the property.



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5. Therefore, this is pure appreciation of fact, which need not be interfered with, under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act. I do not find any perversity or illegality requiring interference. Therefore, this civil revision petition is dismissed. No costs.

13.07.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

1.The VII Judge, Small Cause Court, Chennai

2.The XIII Judge, Small Cause Court, Chennai



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V. LAKSHMINARAYANAN,J.

ssm

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