



A.Nos.945 & 946 of 2023 in C.S. No.274 of 1899

S. VAIDYANATHAN, J.

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While A. No.945 of 2023 has been filed by the Official Trustee of Tamil Nadu seeking a direction to the respondents to quit and hand over vacant possession of Door No.209, T.H. Road, Thiruvottriyur, Chennai 19, within a time frame, A.No.946 of 2023 has been filed by him seeking a direction to him to take over vacant possession of the said property through police force, in the event of the respondents failing to hand over vacant possession.

2 Today, when these applications were taken up for hearing, the learned A.G. & O.T. submitted that the first respondent had sublet a portion of the property to the second respondent, which fact came to light only subsequently, and hence, notice of termination was issued to the first respondent; subsequently, at the instance of the first respondent, the second respondent has vacated the portion occupied by them, which portion is also now under the occupation of the first respondent; the 25-year lease period *qua* this property ends on 11.08.2036 and the monthly rent paid by the first respondent upto 31.08.2023 is Rs.13,310/-; the first respondent has agreed to pay the monthly rent with a hike of 10% on the existing rent with effect from 01.09.2023, besides paying penalty of 10% on the existing rent, for having sublet a portion of the property, to the second respondent.



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3 It is pertinent to point out that the first respondent also appeared in person before this Court and submitted that she is willing to pay monthly rent for the property in question with a hike of 10% on the existing rent, with effect from 01.09.2023, in addition to paying a penalty of 10% on the enhanced rent, for having sublet a portion of the property to the second respondent.

4 In view of the above, it is open to the parties to enter into a fresh agreement *qua* fixation of rent in the above terms for a period of three years and the first respondent shall penalty to the applicant, as assured by her. Needless to state, the agreement *qua* enhancement of rent may be extended periodically after the expiry of every 3 years.

These applications stand disposed of accordingly.

11.09.2023

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