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C.S.NO.240 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.S.NO.240 OF 2022

S.Thilagavathy .. Plaintiff

Versus

M/s.Fraulein
Partnership Firm
Represented by its Partner Mrs.J.Sumitha
Door No.201, Y Block Main Road,
5th Avenue 2nd Street,
Chennai – 600 040. .. Defendant

PRAYER: Complaint filed under Order VII Rule 1 of Civil Procedure Code read with Order IV Rule 1 of the Original Side Rules praying for a judgment and decree as follows:

(a) Directing the defendant to pay a sum of Rs.1,17,29,850/- together with interest at 24% per annum on the principal amount of Rs.1,17,29,850/- from the date of complaint till date of realization;

(b) Directing the defendant to pay the costs of the suit.

For Plaintiff : Ms.M.Lokeswari
for Mr.K.Suthan

For Defendant : Set *exparte* on 03.07.2023



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The Suit is filed for recovery of a sum of Rs.1,17,29,850/- together with interest at 24% per annum on the principal amount of Rs.1,17,29,850/- from the date of plaint till date of realization.

2.It is the case of the plaintiff that the defendant was a tenant under the plaintiff and the monthly rent was Rs.16,000/- per month. The tenancy was for commercial cum residential purpose. Since the rent was very low, the plaintiff has filed a petition in RCOP No.336 of 2013 for fixation of fair rent. The learned Rent Controller vide order dated 20.11.2014 has fixed the fair rent at Rs.2,13,270/- per month from the date of filing of RCOP. The said order was challenged in RCA No.119 of 2015 and the same was dismissed on 22.09.2020 confirming the order and decree passed in the RCOP No.336 of 2013. In the meanwhile, the defendant was evicted from the said tenanted premises on 07.02.2017. Hence, as per the fair rent fixed by the learned Rent Controller, the defendant is liable to pay a sum of Rs.1,17,29,850/- as arrears of rent.



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3.The defendant remained *exparte*. The plaintiff was examined as P.W.1 and 11 documents were marked as Exs-P.1 to P.11. The plaintiff has spoken about the nature of the proceedings initiated against the defendant and fair rent fixed by the learned Rent Controller. Ex-P.3 is filed to prove that the learned Rent Controller has fixed fair rent at Rs.2,13,270/- per month from the date of petition i.e., 12.02.2013. Ex-P.4 is the certified copy of the judgment in RCA No.119 of 2015. The learned Rent Control Appellate Authority has confirmed the fair rent fixed by the Rent Controller in RCOP No.336 of 2013.

4.On perusal of Ex-P.3, it is seen that the fair rent has been fixed from the date of petition i.e., 12.02.2013 and the plaintiff is entitled to claim recovery of the amount from 12.02.2013 and not from 18.07.2012 till the date of eviction on 07.02.2017. The fair rent proceedings has been reached finality in the year 2020 and the Suit is filed well within the limitation period of three years.



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5. Accordingly, the plaintiff is entitled for a decree for a sum of

Rs.1,02,36,960/- with interest @ 9% per annum from the date of plaint till

date of realization with cost.

6. The Suit is disposed of accordingly.

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N.SATHISH KUMAR, J.

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