



C.M.P.Nos.15314 of 2023 and 12699 of 2022

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in

A.S.No.353 of 2022

R.SUBRAMANIAN, J.

and

R.KALAIMATHI, J.

The appellant suffered a decree for payment of money in a suit filed by the respondent under whom the appellant was a tenant in respect of the shop in Udhagamandalam. The respondent filed RCOP.No.29 of 2012 seeking fixation of fair rent under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act. The learned Rent Controller fixed the fair rent at Rs.46,440/-. An appeal was filed in RCA.No.20 of 2015 and the same was dismissed by the Rent Control Appellate Authority. The said order was allowed to become final. Thereafter, a review was sought for before the appellate Authority which was rejected. The revision against that order also failed.

2. The suit filed by the respondent was for recovery of difference between the contractual rent and the fair rent. This is a case where the defendant has no defence at all since the amount due is determined by the order of the Court.



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3. The learned Principal District Judge, Nilgiris rightly decreed the suit. This Court has by order dated 18.08.2022 granted an order of interim stay on condition the appellant deposits 50% of the decree amount together with accrued interest and costs to the credit of the suit in O.S.No.3 of 2017 on the file of the District Judge, Udthagamandalam.

4. It is now stated that the order has not been complied with in full. Therefore, the interim stay is vacated. In view of the order passed vacating the interim stay, the petitioner in CMP.No.15314 of 2023 is allowed to withdraw the entire amount that is deposited to the credit of the suit. He will also be entitled to proceed with the execution, with reference to the balance amount due in the decree.

(R.S.M., J.) (R.K.M., J.)
02.08.2023

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