



WEB COPY



CRP.No.2946 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.2946 of 2019 and
CMP.No.19020 of 2019

T.G.S.J.Swaminathan

... petitioner

Vs.

Ammalu Ammal Kattalai
Rep. by its Trustee
V.Sakthivel

... Respondent

PRAYER:

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order passed in IA.No.2 of 2019 in RCOP.No.4 of 2009 dated 16.04.2019 passed by the learned Rent Controller, Nagapattinam and to allow the civil revision petition.

For Petitioner : Mr.S.Parthasarathy

For Respondent : No appearance

ORDER

This civil revision petition has been filed to set aside the fair and decretal order passed in IA.No.2 of 2019 in RCOP.No.4 of 2009 dated 16.04.2019 passed by the learned Rent Controller, Nagapattinam, thereby allowed the petition



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and directed to issue cheque in the name of the respondent's counsel to the tune of

Rs.90,470/-

2. The petitioner is the tenant and the respondent is the landlord. The respondent filed petition for fixation of fair rent for the premises let out to the petitioner for monthly rent in RCOP.No.4 of 2009. The learned Rent Controller fixed fair rent at Rs.1,700/- per month for the petition premises and also directed the petitioner to pay the difference amount in favour of the respondent herein. However, the petitioner deposited the arrears of rent to the credit of the learned Rent Controller in RCOP.No.4 of 2009. Thereafter, the respondent filed petition for direction to issue cheque in the name of the respondent or his counsel. Therefore, the learned Rent Controller directed to issue cheque in favour of the counsel for the respondent herein. Aggrieved by the same, the present civil revision petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner issued cheque to the respondent, but the same was returned without receiving the same. The petitioner also apprehends that the rent will be misused by the respondent for personal use.



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4. This court is of the view that the petitioner is being a tenant, it is not his botheration about the rent which is going to be utilised by the respondent in any manner. The petitioner is being a tenant, he ought to have paid the monthly rent without fail as per the fair rent fixed by the learned Rent Controller. Therefore, he does not have any objection in respect of issuance of cheque in favour of the counsel for the respondent herein. Therefore, this Court finds no merits in this petition.

5. Accordingly, this civil revision petition is dismissed. However, the petitioner is also directed to pay the monthly rent as fixed by the learned Rent Controller directly to the respondent by way of cheque or cash and the respondent is directed to issue receipt for every monthly rent received from the petitioner. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

06.02.2023

Speaking/non-speaking
Index : Yes/No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

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To
The learned Rent Controller,
Nagapattinam

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