



WEB COPY



C.R.P.No.4157 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.4157 of 2019

Suresh V. Shah Petitioner

Vs

Bharati M.Doshi Respondent

Prayer :- Civil Revision Petition is 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 order of the learned VIII Judge, Small Causes Court, Chennai dated 23.03.2017 made in RCA No.329 of 2013 confirming the fair and decreetal order dated 08.06.2013 made in RCOP No.965 of 2010 by the learned XII Judge, Small Causes Court, Chennai.

For Petitioner : Mr.Samir S.Shah
for M/s.Shah and Shah

ORDER

This Civil Revision Petition has been filed to set aside the order dated 23.03.2017 made in RCA No.329 of 2013 on the file of the VIII Judge, Small Causes Court, Chennai, thereby confirming the fair and decreetal order dated 08.06.2013 made in RCOP No.965 of 2010 on the



C.R.P.No.4157 of 2019

WEB COPY

file of the XII Judge, Small Causes Court, Chennai, thereby fixing the fair rent for the petition premises.

2. The revision petitioner is the owner of the petition premises and the respondent was inducted as a tenant in the year 1999 on a monthly rent of Rs.8,000/-. During the month of April 2009, the rent was enhanced at Rs.16,000/- per month. However, he failed to pay the same. Thereafter, the respondent filed a petition for fixation of fair rent for the petition premises on the ground that it possess several locational advantages as to bus stand, School, Marriage Hall, Temple, Market, Poonamallee High Road, Hospitals, Banks and other all amenities. The land value in the locality is around Rs.1,44,00,000/- per ground. The age of the building is 30 years old. Therefore, the respondent filed a petition for fair rent of Rs.20,669/- per month.

3. The petitioner resisted the petition and filed a counter stating that on account of poor maintenance and negligence on the part of the respondent, due to leakage of water all the wooden cupboards have been spoiled and damaged and the pipe lines in the toilets have been



C.R.P.No.4157 of 2019

WEB COPY

rusted and broken. The petitioner is paying Rs.5,000/- to 10,000/- every year for maintenance of the building.

4. On the side of the respondent, he had examined P.Ws.1 & 2 and marked Exs.P1 to P5. On the side of the petitioner, he had examined R.Ws.1 & 2 and marked Exs. R1 to R8.

5. On perusal of the oral and documentary evidence, the learned Rent Controller fixed fair rent at Rs.11,020/- per month for the petition premises. Aggrieved by the same, the petitioner preferred an appeal and the learned Rent Control Appellate Authority had also dismissed the appeal and the order of the learned Rent Controller was confirmed. Aggrieved by the same, the present Civil Revision Petition.

6. The learned counsel appearing for the petitioner would submit that the petitioner is aged about 84 years and living with his aged wife. Therefore, he is not able to pay that much of rent. Both the Courts below fixed fair rent only on the basis of the value of the land and without considering the amenities, which were not provided for the petition



C.R.P.No.4157 of 2019

premises.

WEB COPY

7. A perusal of the records reveals that the petition premises is an Apartment admeasuring 947 sq.ft. It is situated at E-4, Arihant Apartments, No.22, Raja Annamalai Road, Purasawalkmam, Chennai – 600 084. It is a heart of the city and the petitioner is paying only a sum of Rs.8,000/- per month. Both the Courts below, considering the land value, type of building, age of the building, basic amenities and schedule 1 amenities, fixed the property value at Rs.67,20,000/- per ground. Insofar the petition premises is concerned, the build up area is 947 sq.ft and the construction of the above area is valued at Rs.411/- per sq.ft. The land value at Rs.67,20,000/- per ground. The undivided share of the petition premises is 370 sq.ft. Accordingly, the Courts below rightly fixed the monthly rent at Rs.11,020/-. In fact, it would fetch more rent than that. Even then the Courts below fixed only at Rs.11,020/- per month, as rent.

8. In view of the above, this Court finds no infirmity or illegality in the order dated 23.03.2017 made in RCA No.329 of 2013 on the file of the VIII Judge, Small Causes Court, Chennai, thereby



C.R.P.No.4157 of 2019

WEB COPY

confirming the fair and decreetal order dated 08.06.2013 made in RCOP No.965 of 2010 on the file of the XII Judge, Small Causes Court, Chennai. Accordingly, this Civil Revision Petition stands dismissed. No costs.

04.01.2023

Index:Yes/No
Internet:Yes/No
Lpp

To

1. The VIII Judge,
Small Causes Court,
Chennai.

2. The XII Judge,
Small Causes Court,
Chennai.

G.K.ILANTHIRAIYAN, J.

Lpp



WEB COPY



C.R.P.No.4157 of 2019

C.R.P.No.4157 of 2019

04.01.2023