



C.R.P.No.1240 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.03.2024

C O R A M:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.No.1240 of 2022
and C.M.P.Nos.6655 & 18853 of 2022

Mr.Bhawarlal
Proprietor,
M/s Mahendra Sweets
Ground Floor, Shop Nos.8 & 9,
Old Door No.394, New Door No.246,
Mint Street, Sowcarpet,
Chennai 79

...Petitioner

Vs.

Mrs.Bhanumathi (deceased)

- 1) Hasmkh O.Jain
- 2) Vikesh O.Jain
- 3) Sanjay O.Jain
- 4) Otarmal K.Jain
- 5) Prabha
- 6) Nirmal Kumar O.Jain
- 7) Mahendra Kumar O.Jain
- 8) Madhubala
- 9) Shasikala
- 10)Rajeswari
- 11) Akash M.Jain
- 12)Rahul M.Jain
- 13)Raksha M.Jain

... Respondents



C.R.P.No.1240 of 2022

PRAYER: Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the judgment and decree passed by the Rent Control Appellate Authority/ VII Small Causes Court, Chennai in R.C.A.No.102 of 2016 dated 18.11.2021 confirming the Order and Decree passed in R.C.O.P.No.2133 of 2012 on the file of the XVI Judge of Small Causes Court (Rent Controller), Chennai dated 17.12.2015

For Petitioners : Mr.T.P.Sankaran

For Respondents : M/s.C.D.Sugumar

ORDER

The tenant, who has suffered concurrent dismissal orders before the Rent Controller and the Appellate Authority in fixing the fair rent for the property, challenged the same in this civil revision petition.

2. Learned Rent Controller, finding that the building is Class Type-1 available with all basic amenities and Schedule (1) amenities in the petition schedule premises, and after taking into consideration all the relevant documents and considering the fact that the R.C.O.P. was filed in the year 2012, has fixed the market value of the land at Rs.1,75,00,000/- as the petition schedule premises is located in prime locality of Mint Street, Chennai.



3. The learned Judge in R.C.O.P.No.2133/2012 filed by the landlords for fixation of fair rent, after full contest, fixed the fair rent at Rs.10,263/- per month from the date of petition. When the landlords sought for a fixation of fair rent of Rs.59,850/- per month, filed an appeal in RCA No.664 of 2017 for enhancement of fair rent, whereas aggrieved by the fixation of Rs.10,263/- per month, the tenants filed an appeal in RCA No.106 of 2016 and both the appeals were taken together for hearing.

4. The learned Rent Control Appellate Authority, on analysis of the order passed by the Rent Controller found that the Authority, only after considering the type, age, plinth area, cost of construction and basic & schedule 1 Amenities, depreciation and apportioned area of the building and market value of the land and after appreciating the documentary evidence, has fixed the fair rent as per section 4(5) of the TNB (L & RC) of the Act. The Appellate Authority, finding that the interference in the fixation of fair rent is not necessary, has rightly dismissed the appeals filed by the landlords as well as the tenants.



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5. All the more, R.C.O.P. was filed in the year 2012 and the fair rent for the petition schedule premises was fixed in the year 2015. Now, we are in the year 2024 and the prices have escalated very much and therefore, on that score also, interference of this Court is not necessary. The Judgment is a well considered Judgment and therefore, I do not find any infirmity in the Judgment passed by the Rent Control Appellate Authority.

6. Perusal of records would go to show that when the matter came up for admission, this Court had directed the revision petitioner / tenant to deposit 60% of the differential arrears of rent payable to the landlords to the credit of R.C.O.P.No.2133 of 2012 and the revision petitioner had also deposited a sum of Rs.3,90,000/- before the Court of Small Causes, Chennai. In view of the order passed in the present civil revision petition, the landlords are permitted to withdraw the amount deposited by the tenants.

7. Accordingly, the present civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

5.03.2024

Index:Yes/No
sts

Internet:Yes/No



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To:

WEB CODE

1) The Rent Control Appellate Authority,
VII Small Causes Court,
Chennai.

2) Small Causes Court (Rent Controller)/ XVI Judge,
Chennai



WEB COPY



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J.NISHA BANU,J.

sts

Order made in
C.R.P.No.1240 of 2022

Dated:
5.03.2024