



C.R.P. No. 792 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P. No. 792 of 2021

and

C.M.P. No. 6638 of 2021

M/s. Arasappar Restaurant,
Represented by its Proprietor,
A. Pandian

... Petitioner

Vs.

1.Ayub Khan
2.Tasneem Ayub Khan

... Respondents

Civil Revision Petition is filed under Section 25 of the Tamil Nadu Building (Lease and Rent Control) Act 1960, to set aside the judgment and decree dated 29.01.2021 made in R.C.A. No. 361 of 2017 passed by the learned IX Court of Small Causes Judge at Chennai confirming the order and decree dated 13.02.2017 made in R.C.O.P. No. 66 of 2013 passed by the learned XV Judge of Small Causes Court at Chennai and thus render justice.



For Petitioner : Mr. G. Rajagopalan, Senior Counsel
Mr. S. Sathish Rajan

For Respondents : Mr. Sachin Vijay

ORDER

This Civil Revision Petition has been filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the judgment and decree dated 29.01.2021 made in R.C.A. No. 361 of 2017 passed by the IX Court of Small Causes Judge at Chennai confirming the order and decree dated 13.02.2017 made in R.C.O.P. No. 66 of 2013 passed by the XV Judge of Small Causes Court at Chennai.

2. Admittedly, petitioner is the tenant and the respondents are the landlord. There is no dispute with regard to the relation between the parties. The respondents herein filed R.C.O.P. No. 66 of 2013 on the file of XV Court of Small Causes, Chennai seeking to fix the fair rent. The same was decreed on 13.02.2017. Aggrieved by the same, both parties preferred appeals before the IX Court of Small Causes at Chennai. In R.C.A. No. 361



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of 2017, the IX Court of Small Causes at Chennai, passed judgment and decree confirming the order and decree dated 13.02.2017 made in R.C.O.P. No. 66 of 2013. Against the same, the present Civil Revision Petition has been filed.

3. It is submitted by both counsel appearing for both side parties that already, the petitioner was evicted through the proceedings of the Court and possession was handed over to the landlord. Now the issue to be considered in the present civil revision petition is with regard to the fixing of the fair rent only.

4. At this stage, the learned counsel for the petitioner submits that the respondents / landlord has to approach the competent Court by filing appropriate suit seeking for recovery of the arrears of rent. If petitioner is permitted to raise all their defences in the said suit to be filed by the respondents, they have no objection to close the civil revision petition at this stage without going further.



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5. On the other hand, the learned counsel appearing for the respondents also agreed that they have to file a suit before the competent Court to settle the issue of payment of arrears of rent and they are ready to proceed by filing the suit in the competent Court of law for recovery of the arrears of rent as fixed by the Rent Controller.

6. In view of the above factual position, in our considered opinion of this Court, it is unnecessary to proceed further in the civil revision petition for further adjudication. It can be closed by permitting the respondents to file a suit before the competent Court of law for recovery of the arrears of the rent.

7. Accordingly, this Civil Revision Petition is closed, granting liberty to the respondents to file a suit for recovery of arrears of rent.

8. However, it is made it clear that the petitioner / tenant is at liberty to raise all his defences in the suit to be filed by the respondents / landlord.



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9. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

15.07.2024

Index : Yes / No

Neutral Citation : Yes / No

AT

To

1.The IX Court of Small Causes Judge at Chennai.

2.The X Judge of Small Causes Court at Chennai.



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BATTU DEVANAND, J.

AT

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