



C.R.P.[NPD].Nos.4886, 4888 & 4889 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 28.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.[NPD].Nos.4886, 4888 & 4889 of 2024 &

CMP.Nos.27437, 27439 & 27443 of 2024

Balasubramani @ Mani

... Petitioner in CRP.4886 of 2024

Rajagopal

... Petitioner in CRP.4888 of 2024

T.R.Lakshmanan

... Petitioner in CRP.4889 of 2024

Versus

E.Abraham Jayaraj

. . . Respondent in all CRPs

PRAYER : Petitions filed under Article 227 of Constitution of India to set aside the Fair Order and Decreetal Order passed by the learned Subordinate Judge, Tiruvallur made in I.A.o.3 of 2021 in R.C.A.Nos.1, 2 and 3 of 2021 dated 29.09.2022 and thereby allow these Civil Revision Petitions.

For petitioner : Mr.A.R.Suresh [in all CRPs]

Respondent : Mr.R.Subburaj [in all CRPs]



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COMMON ORDER

Challenge has been made to the direction of the trial Court directing the revision petitioners to deposit 50% of the fair rent fixed in the Rent Control Proceedings, in the present Civil Revision Petitions.

2. The trial Court has fixed a sum of Rs.11,530/- to all the three revision petitioners and directed them to deposit 50% of the fair rent fixed by the Court. It is the main contention of the learned counsel appearing for the revision petitioners that while calculating the fair rent, the common passage, which is not in the occupation of the tenants had been taken in to account and valued, which is not correct. Therefore, the present revision petitions have been filed.

3. Now the learned counsel appearing for the revisions petitioners would submit that they are ready to deposit a sum of Rs.3,500/- less admitted



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rent already paid by the revision petitioners. The learned counsel appearing for the respondent is agreeable for the same for the present and the rest of the merits, they will agitate in the appeal. The learned counsel appearing for the revision petitioners would submit that they are ready to deposit a sum of Rs.3500/- per month less admitted amount already paid up to 2021 and deposit entire amount to the credit of Rent Controls Appeal in R.C.A.Nos.1, 2 and 3 of 2021 within a month.

4. In view of the submissions of the learned counsel appearing for the revision petitioners that they are ready to deposit a sum of Rs.3,500/- less admitted rent already paid by the revision petitioners and the respondent is agreeable for the same, the revision petitioners are directed to deposit a sum of Rs.3500/- less admitted amount already paid up to 2021 and deposit entire amount to the credit of Rent Controls Appeal in R.C.A.Nos.1, 2 and 3 of 2021 within a month. It is to be noted that the amount has to be paid from the date of application filed under section 11 of the Tamilnadu Buildings [Lease and Rent Control] Act to till date. On such deposit, the learned Sub Judge shall



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decide the Rent Control Appeal on its own merits. It is also made clear that if the amount is not deposited within a month as per their undertaking before this Court, the defence of the petitioners will be struck off and they will be straight away evicted from the premises. It is also made clear that the revision petitioners shall continue to pay the above rent till the disposal of the appeal. The learned Subordinate Judge, shall dispose of the appeal on its own merits within a period to two months after the arrears of rent is deposited by the revision petitioners. The respondent is entitled to withdraw the amount on filing an application before the concerned appellate Court.

5. With the above directions, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2024

Index : Yes / No
Internet: Yes
Speaking/non speaking order

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To,

The Subordinate Judge,
Tiruvallur.



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N. SATHISH KUMAR, J.

vrc

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