



WEB COPY



Rev.Appln.Nos.245, 256, 247 & 248 of 2022 and 20, 21, 22 & 23 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM:

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
and
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**Rev.Appln.Nos.245, 256, 247 & 248 of 2022
and 20, 21, 22 & 23 of 2023**

J.Thangamma
2.Biju Lukaoose
3.Binu Alex
4.Brinson Lukose

R.Govindarajan ...Review Applicants in Rev.Appln.Nos.245 to 248/2022
...Review Applicant in Rev.Appln.Nos.20 to 23/2023

vs.

The Official Trustee of Tamil Nadu,
O/o.Administrator General and Official Trustee,
High Court Campus,
Chennai – 600 104.
applications

...Respondents in all

Prayer in Rev.Appln.No.245/2022: Review Application filed under Order 47
Rule 1 r/w Section 114 of C.P.C., against the order dated 03.08.2022 made in
O.S.A.No.210 of 2022 passed by the Division Bench of this Court.

Prayer in Rev.Appln.No.246/2022: Review Application filed under Order 47
Rule 1 r/w Section 114 of C.P.C., against the order dated 03.08.2022 made in
O.S.A.No.208 of 2022 passed by the Division Bench of this Court.



WEB COPY

Prayer in Rev.Appln.No.247/2022: Review Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C., against the order dated 03.08.2022 made in O.S.A.No.207 of 2022 passed by the Division Bench of this Court.

Prayer in Rev.Appln.No.248/2022: Review Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C., against the order dated 03.08.2022 made in O.S.A.No.209 of 2022 passed by the Division Bench of this Court.

Prayer in Rev.Appln.No.20/2023: Review Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C., against the order dated 03.08.2022 made in O.S.A.No.198 of 2022 passed by the Division Bench of this Court.

Prayer in Rev.Appln.No.21/2023: Review Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C., against the order dated 03.08.2022 made in O.S.A.No.194 of 2022 passed by the Division Bench of this Court.

Prayer in Rev.Appln.No.22/2023: Review Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C., against the order dated 03.08.2022 made in O.S.A.No.199 of 2022 passed by the Division Bench of this Court.



Prayer in Rev.Appln.No.23/2023: Review Application filed under Order 47

Rule 1 r/w Section 114 of C.P.C., against the order dated 03.08.2022 made in O.S.A.No.195 of 2022 passed by the Division Bench of this Court.

For Review Applicants in all applications : Ms.P.Rajalakshmi

For Respondent in all applications : Mr.M.R.Jothimanian

COMMON ORDER

(Order of the Court was delivered by K.KUMARESH BABU, J.)

These Review Applications have been filed seeking to review the order of this Court dated 03.08.2022.

2.Heard Ms.P.Rajalakshmi, learned counsel appearing for the Review Applicants and Mr.M.R.Jothimanian, learned counsel appearing for the respondent.

3.Ms.P.Rajalakshmi, learned counsel appearing for the Review Applicants at the outset would contend that the respondent is only the owner of the land and not the building and therefore, the respondent would not be entitled for any rent of the building. However, while fixing the rent for the building, the respondent have also calculated the rent for the building and therefore, she would submit that



she would submit that the rent as fixed by the respondent is also very much exorbitant comparing the market value of the property. She would submit that while disposing of the appeals, this Court had not taken into consideration of all these aspects and had not specifically adjudicated upon the claim of the respondent of the rent and therefore, there was material error on the face of the record. Therefore, she would seek interference of this Court to review the order and request this Court to adjudicate upon the rent that had been fixed.

4.Countering her arguments, Mr.M.R.Jothimanian, learned counsel appearing for the respondent would contend that there was no material error on the face of the record. He would submit that the rent had been fixed by order dated 02.11.2019 and that order had not been challenged by the Review Applicants. Considering these facts, a learned Single Judge had rightly rejected their claim and that by a further order dated 24.06.2022 had allowed the applications filed by the respondent directing the Review Applicants to quit and deliver the vacant possession of the property. He would further submit that what had been challenged by the Review Applicants is the order directing the Review Applicants to quit and deliver the vacant possession.

5.This aspect had been taken note of by the Division Bench while dismissing the appeals filed by them. He would submit that this Court had given



a specific finding that the order fixing the rent had become final and that the appellants therein have no other option except to pay the rent failing which, they have to leave the premises. When such an order was made, the learned counsel appearing for the Review Applicants had sought time to pay the rental arrears and on considering the request made by the learned counsel appearing for the Review Applicants, had granted three months time from that date to pay the arrears in three installments. A further condition had also been prescribed by this Court that the Review Applicants continue to pay the monthly rent of Rs.63,000/- without default. Even thereafter, the Review Applicants had failed to deposit the amount and therefore, the property was sealed by the respondent.

6.The Review Applicants by engaging the present counsel had moved these present applications to review the orders and at the stage of admission, the learned counsel had agreed to deposit 50% of arrears of rent fixed within a period of four weeks and the balance 50% would be deposited four weeks thereafter. On considering the submissions made by the learned counsel for the Review Applicants, this Court had directed the respondent to desal the property on payment of 50% of the said arrears and to keep the proceedings initiated by the respondent to be kept in abeyance. He would submit that the Review Applicants had not deposited the balance 50% of arrears of fair rent. However, this Court had directed the Review Applicants to pay the rent fixed continuously and the



decision on the balance 50% would be taken during the next hearing. He would further submit that the orders have been passed only based upon the submissions made by the learned counsel appearing for the Review Applicants and therefore, the Review Applicants cannot now seek to review the orders.

7.We have considered the submission made by the respective counsel appearing on either side and perused the materials available on record.

8.This Court while passing the orders in the Original Side Appeal had rejected the claim of the Review Applicants on the ground that the order fixing the rent viz., 02.11.2019 had become final between the parties as the same has not been challenged and hence they are bound to pay the rent as fixed. Only after this Court had come to such conclusion, a request had been made before this Court seeking for time to deposit the arrears of rent and to continue paying the fair rent fixed under the aforesaid order.

9.As rightly pointed out by the learned counsel for the respondent, we find that there is no material error on the face of the record for this Court to review the said orders. The claim of the learned counsel appearing for the Review Applicants on the merits is that the order that had been made in fixing the rent for the building in their occupation is bad since the respondent is not the owner



WEB COPY

of the building. They had not chosen to challenge the said order. What was challenged in these proceedings was an order passed by the learned Single Judge directing the Review Applicants to quit and deliver the vacant possession for their failure to pay their rent as fixed by the respondent. No proceedings have been initiated by the Review Applicants in challenging the said order fixing the rent made in the year 2019. Having accepted to pay the arrears of rent and to pay the monthly rent as fixed by the respondent, the present applications seeking to review the said orders are without any merits and therefore are liable to be dismissed.

10.In fine, the Review Applications are dismissed. The respondent are at liberty to take appropriate action against the Review Applicants in the manner known to law. There shall be no order as to costs.

(R.S.K.,J.) (K.B.,J.)
18.01.2024

Index: yes/no
Speaking order:yes/no
Neutral Citation:yes/no
pam



WEB COPY

Rev.Appln.Nos.245, 256, 247 & 248 of 2022 and 20, 21, 22 & 23 of 2023



R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

Pam

To

The Official Trustee of Tamil Nadu,
O/o.Administrator General and Official Trustee,
High Court Campus,
Chennai – 600 104.

Rev.Appln.Nos.245, 256, 247 & 248 of 2022
and 20, 21, 22 & 23 of 2023

18.01.2024