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C.R.P.(NPD)Nos.2346, 2347 and 2896 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.06.2025

CORAM :

THE HON'BLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD) Nos.2346, 2347 and 2896 of 2021
and C.M.P.No.20873 of 2021

Devarajan (Died)

D.Govindrajan
S/o.Devarajan

... Petitioner in CRP.2346 and
2347/2021

Farwood Industries Ltd.
Rep. By its Chairman
Mr.M.P.Farook

... Petitioner in
CRP.2896/2021

Vs.

Farwood Industries Ltd.
Rep. By its Chairman
Mr.M.P.Farook

... Respondent in
CRP.2346 and 2347/2021

Devarajan (Died)

D.Govindrajan
S/o.Devarajan

... Respondent
in CRP.2896/2021

COMMON PRAYER in CRP.No.2346 and 2347 of 2021: Civil Revision



C.R.P.(NPD)Nos.2346, 2347 and 2896 of 2021

Petitions are filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973, against the judgment and decree dated 25.02.2021 in [R.C.A.No.379 of 2016](#) and [R.C.A.No.91 of 2020](#), on the file of the VII Judge, Court of Small Causes, Chennai, varying the order and decree passed in R.C.O.P No.1194 of 2010 dated 18.04.2016 on the file of XV Judge, Court of Small Causes, Chennai.

PRAYER in CRP No.2896 of 2021: Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960, against the decree and judgment dated 25.02.2021 passed in [R.C.A.No.379 of 2016](#), by the VII Judge (FAC), Small Causes Court at Chennai, modifying the fair and decretal order dated 18.04.2016 passed in R.C.O.P No.1194 of 2010 by the XV Judge, Small Causes Court at Chennai.

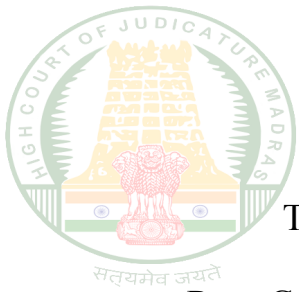
For Petitioner
in CRP.2346 &2347/2021 : [Mr.V.Sivakumar](#)
for M/s.P.B.Ramanujam

For Petitioner
in CRP.2896/2021 : [Mr.J.Hudson Samuel & Partners](#)

For Respondent : [Mr.Ravi Kumar Paul , Senior Advocate](#)
in CRP.2346 &2347/2021 for Paul & Paul

For Respondent : [Mr.V.Sivakumar](#)
in CRP.2896/2021 for M/s.P.B.Ramanujam

COMMON ORDER



C.R.P.(NPD)Nos.2346, 2347 and 2896 of 2021

These three civil revision petitions challenge the orders passed by the Rent Control Appellate Authority in [R.C.A.No.379](#) of 2016 and [R.C.A.No.91](#) of 2020 dated 25.02.2021 in modifying the decreetal order of the learned Rent Controller in R.C.O.P.No.1194 of 2010 dated 18.04.2016.

2.For the sake of convenience the parties shall be referred to as landlord and tenant.

3.The landlord presented R.C.O.P.No.1194 of 2010 under Section 4 of the erstwhile Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. It is a petition for fixation of fair rent. Pending the proceedings, the landlord had settled the property in favour of his son one D.Govindrajan. Hence, D.Govindrajan was impleaded as 2nd petitioner with the permission of the Court in [M.P.No.448](#) of 2013 on 08.07.2014.

4. Before the Rent Controller, the landlord examined himself as PW1, an engineer as PW2 and the newly impleaded 2nd petitioner as PW3. He marked Ex.P1 to Ex.P7. On the side of the tenants, one [M.V.Ravindran](#) was examined as RW1 and a sale deed under Ex.R1 was received.



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5.The learned Rent Controller on appreciation of the pleadings and evidence, came to the conclusion as follows:

- i. that the building is a Type-II building.*
- ii. It is aged about 30 years.*
- iii.The extent is about 1656 sq. ft.*
- iv.Basic amenities are available and hence 10% was awarded towards the same.*
- v. The age of the building was calculated as 30 years; and*
- vi. depreciation of 0.635 was ordered.*

6. He fixed the market value of the petition premises at Rs.1 crore. On the basis of these findings, he fixed the fair rent at Rs.70,78,109/- per month.

7.Aggrieved by the same, the landlord and tenant preferred two appeals. The appeal by the tenant was numbered as [R.C.A.No.379](#) of 2016 and the appeal preferred by the landlord was numbered as R.C.A.No.91 of 2020.

8.Two major disputes were raised before the Rent Control Appellant Authority, the first one being that the rent control petition had been filed against a proprietorship concern, but the order has been passed against an



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incorporated company. The second issue being that Ex.P6 which had been relied upon by the 2nd petitioner - landlord showed the market value at Rs.20 lakhs and the Court ought to have fixed the value accordingly.

9.The learned Rent Control Authority agreed with the Rent Controller as regards the apportionment area, depreciation, basic amenities, type and age of the building. The appellate authority rejected both the pleas of the tenant and came to a conclusion that the plinth area of the building should be taken as 1558 sq. ft. as against 1656 sq. ft. He further held that being a settlement deed, it cannot be used for the purpose of market value when a sale deed for an adjacent property had been produced by the landlord. Consequent to reduction in extent, he allowed the appeal filed by the tenant reducing the fair rent to Rs.66,984/-. Hence the Revision.

10. I heard Mr.Ravi Kumar Paul, Senior Counsel for M/s.Paul & Paul and Mr.V.Sivakumar for M/s.P.B.Ramanujam Associates.

11.At the outset, I should point out that the scope of Revision under the Erstwhile Act, 18 of 1960 does not enable me to re-appreciate evidence. As



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pointed out, this is a concurrent finding with respect to the age of the building, depreciation, value as well as the apportionment area. The dispute is as regards to who is the tenant and on value of the land.

12. When the rent control petition was filed, the tenant was shown as M/s. Farwood Industries Limited, represented by its proprietor Mr. M. P. Farook. During the course of the proceedings, the tenant had moved an application under Section 22 of the Tamil Nadu Buildings (Lease and Rent Control) Act. He had described himself as M/s. Farwood Industries Limited represented by its Chairman [M. P. Farook](#). The petition which had been numbered as [M. P. No. 337](#) of 2015. It had been dismissed holding that the tenant is the incorporated company namely M/s. Farwood Industries Limited. The tenant having held himself out before the Rent controller, as well as before the Rent Control appellate authority as an incorporated company: it is too late for the tenant to plead that the original tenant was Mr. M. P. Farook in his personal capacity and not the incorporated company.

13. Insofar as the value of the land is concerned, a settlement deed, that has been relied upon by the tenant, had already been produced by the



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landlord. It is a settlement deed executed by the first landlord in favour of the second landlord. The relationship between the first and the second landlord are that of father and son. In such a document, the parties give only a nominal value for the property. This is on account of the fact that the stamp duty that is being paid for the document is of a fixed value. I hasten to add I have not concluded in this order that a settlement deed cannot reflect the market value. In the facts and circumstances in this case, I am constrained to reach the conclusion that the value of the property given in the settlement deed cannot gain precedence over Ex.P4 dated 30.04.2008.

14.An other reason why I would prefer to go with Ex.P4 as done by the trial court and the lower appellate court is because Ex.P6 had come about pending the rent control petition. Post litem motam documents are normally not preferred by the Courts, because such documents are capable of being tampered to suit the convenience of the parties.

15.Further, the property is situated in a prestigious locality in Chennai, namely, the Lattice Bridge Road. It has several locational advantages. Therefore, fixation of Rs.1 crore by the trial Court when the sale deed under



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Ex.P4 is for Rs.2 crores and above, cannot be found fault with.

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16.In the light of the above discussion, I do not find any reason to interfere. All the above three Civil Revision Petitions are dismissed. The order passed by the learned Rent Control Appellate Authority stands confirmed. No costs. Consequently, connected miscellaneous petition is closed.

19.06.2025

kas

Index: Yes / No

Neutral Citation

To.

1.VII Judge
Court of Small Causes
Chennai

2. XV Judge
Court of Small Causes
Chennai

V.LAKSHMINARAYANAN, J.

kas



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