



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1700 of 2025

and

C.M.P.(MD)No.9091 of 2025

Gerald

...Petitioner

Vs.

Jayarama Chandra

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records and set aside the fair and decreetal order dated 17.04.2025 in I.A.No.12 of 2024 in R.C.O.P.No.27 of 2017, on the file of the II Additional District Munsif Court, Tiruchirappalli and allow the Civil Revision Petition.

For Petitioner : Mr.B.Prasanna Vinoth



ORDER

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This petition has been filed praying to set aside the fair and decreetal order dated 17.04.2025 in I.A.No.12 of 2024 in R.C.O.P.No.27 of 2017, on the file of the II Additional District Munsif Court, Tiruchirappalli and allow the Civil Revision Petition.

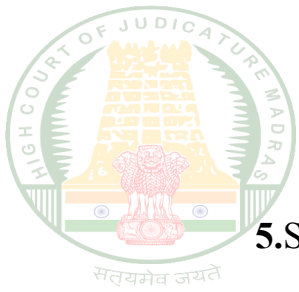
2.The petitioner is the tenant in the suit schedule property. The respondent / landlord filed R.C.O.P.No.27 of 2017, under Section 10(2)(i) of the Tamil Nadu Buildings (Lease & Rent Control) Act 18/1960, on the ground of willful default. In the RCOP, the respondent / landlord claim that the non-residential building measuring 2100 sq.ft in the 1st floor of Ashyby Shopping Complex, Cantonment originally belonged to the respondent's father namely Ramarathinam and initially the petitioner agreed to pay Rs.10,000/- per month. Thereafter, the respondent father executed a settlement deed in favour of the respondent / landlord on 30.04.2010. Thereafter, the respondent claim that the same was informed to the petitioner with regard to change of ownership by way of settlement deed. During the cross-examination, when the petitioner examined the respondent and the document Ex.R.3, [letter of communication between the petitioner and the respondent's father] was shown to the respondent, the respondent denied the signature of the respondent's father in Ex.R.3. The petitioner submits that the last rent enhanced in the year 2012 was Rs.10,000/-.



However, the respondent / landlord claim that there are arrears of rent and the same was not paid by the petitioner and thereby, the respondent / landlord filed Rent Control proceedings in R.C.O.P.No.27 of 2017.

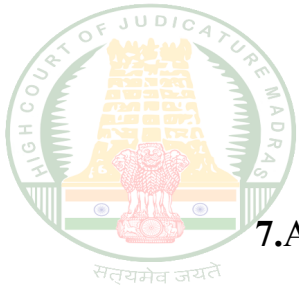
3.During the petitioner side evidence, the petitioner marked Exs.R1 to R3. However, R3 is the letter of communication between the respondent's father and the petitioner, where he specifically mentioned the rent as only Rs.10,000/-. However, the signature of the respondent's father is denied by the respondent and thereby, to send Ex.R.3 for expert opinion for finding out the genuineness of the signature of the respondent's father, the petitioner filed I.A.No.12 of 2024, which came to be dismissed. Challenging the same, the present Civil Revision Petition has been filed.

4.Learned Counsel for the petitioner would submit that admittedly, there is a letter of communication between the petitioner and the respondent's father and the same is marked as Ex.R.3. However, the same was denied by the respondent / landlord. Hence, to send the same for expert opinion, the petitioner filed the impugned I.A., which came to be dismissed. Since the signature in the document in Ex.R.3 is denied by the respondent, unless the said document is sent for expert opinion, the same cannot be proved. Hence, prays for interfering with the impugned order passed by the trial Court.



5. Since no adverse orders are passed in the present Civil Revision Petition, notice to the respondent is dispensed with and this Civil Revision Petition is disposed of at the admission stage itself.

6. The facts in the present case are not in dispute. Admittedly, the petitioner came into possession of the respondent's property in the year 1992 and there was enhancement of rent in 2012. Thereafter, there is no enhancement. It is the petitioner's contention that the petitioner is liable to pay only Rs.10,000/- up to 2025. Such argument advanced by the learned Counsel for the petitioner is vexatious. Even if there is an oral agreement, there must be enhancement every year. Admittedly, R.C.O.P. was filed in the year 2017. The petitioner is in occupation of the premises right from 1992 till 2025 for a meagre rent of Rs.10,000/- and he wants to rely upon Ex.R.3 document, allegedly sent by the respondent's father in the year 2012, after 13 years, which itself is not an admissible one. Hence, the trial Court rightly dismissed the application filed by the petitioner in I.A.No.12 of 2024 in R.C.O.P.(MD)No.27 of 2017. Even assuming that the letter is an admissible one, after change of ownership, the respondent's father has no authority to fix the rent. Hence, the said issue was rightly appreciated by the trial Court, which need not be interfered with.



7. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

19.06.2025

Internet: Yes/No

Index: Yes/No

MR



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C.R.P.(MD)No.1700 of 2



To

- 1.The II Additional District Munsif Court,
Tiruchirappalli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.1700 of 2



M.DHANDAPANI, J.

MR

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