



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 17.02.2026

Pronounced on: 27.02.2026

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. Nos.3263 & 3264 of 2024
and CMP. Nos.17467 & 17469 of 2024**

- 1.M/s.Suchitras,
Partnership Firm,
Rep. by its Partner, G.Ashok.
- 2.G.Ashok
Sundarabai (died)
- 3.Mrs.Chandrabai
Premabai (died)
G.Thilok (died)
- 4.G.Kishore
- 5.M.Prasanachand

Petitioners in both CRPs

Vs

V.Arul Singh
(Cause title accepted vide Court order dated 23.07.2024)

Respondent in both CRPs

COMMON PRAYER: This Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960, to call for the records and set aside the fair and final order dated 30.09.2022 made in R.C.A. No.2 of 2019 & R.C.A. No.5 of 2019 on the file of the Rent Control Appellate Authority/Principal Sub Court, Coimbatore, which confirmed fair and final order dated 23.08.2018 made in R.C.O.P. No.29 of 2010 & R.C.O.P. No.311 of



2010 on the file of the Rent Controller, Principal District Munsif Court, Coimbatore by allowing the Revision Petition.

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For Petitioners : Mr.P.M.Duraiswamy in both CRPs

For Respondent : Mr.J.Antony Jesus in both CRPs

COMMON ORDER

The tenant is the revision petitioner in these revision petitions.

2. I have heard Mr.P.M.Duraiswamy, learned counsel for the petitioner in both the revisions and Mr.J.Antony Jesus, learned counsel for the sole respondent/ landlord in both these revision petitions.

3. CRP.No.3263 of 2024 has been filed challenging the judgment in RCA.No. 2 of 2019 confirming the order in RCOP.No. 29 of 2010 on the file of the Rent Controller (Principal District Munsif Court) Coimbatore. RCOP.No. 29 of 2010 was filed for eviction of the petitioner on the grounds of willful default and different user.

4. CRP.No. 3264 of 2024 arises out of rent control proceedings in RCOP. No. 5 of 2019 challenging the judgment in RCA.No.5 of 2019, confirming the order in RCOP.No.311 of 2010 on the file of the Rent Controller (Principal



District Munsif Court) Coimbatore, RCOP having been filed for fixation of fair rent.

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5. Mr.P.M.Duraiswamy, learned counsel for the petitioner would state that as against contractual rent of Rs.3000/-, the Courts have fixed the rent at Rs.25,000/- per month without following the mandate of Section 4 of Act 18 of 1960. The learned counsel for the revision petitioner has also taken me through the respective findings rendered by the Rent Controller and the Appellate Authority with regard to crucial factors viz., age of the building and the market value of the land in question.

6. Per contra, Mr.Antony Jesus, learned counsel for the respondent/landlord would state that the Rent Controller and the Appellate Authority have concurrently come to the conclusion that the fair rent to be fixed for the tenanted premises is Rs.25,000/- and they have followed the various principles laid down by this Court as well as the Hon'ble Supreme Court in matters pertaining to Section 4 of the Act and therefore, no interference is warranted under Section 25 of the Act.

7. Insofar as wilful default, Mr. P.M. Duraiswamy, learned counsel for the petitioner would state that the petitioner was inducted as a tenant even under the



erstwhile owner by name C.G.Armugam and the said C.G.Armugam had even filed an eviction petition on the ground of willful default. However, the petitioner had filed RCOP.No.105 of 2004 seeking to deposit rents into Court, invoking Section 8(5) of the Act. Pending the eviction petition, the said C.G.Armugam had sold the property to the present respondent vide sale deed dated 23.11.2006 and in view of the same, the Rent Control Petitions filed by the erstwhile landlord were dismissed.

8. It is the submission of learned counsel Mr.P.M.Duraiswamy, that the petitioner continued to deposit rents in RCOP.105 of 2004 meticulously and without any default. Though the landlord/respondent herein issued a notice informing the tenant about his purchase, the tenant had sent a reply on 20.03.2008 wherein he has clearly informed the landlord that the tenant is depositing the rents pursuant to an order in RCOP.No.105 of 2004. It is therefore the submission of Mr.P.M.Duraiswamy that the default cannot be termed as wilful as the petitioner has been obeying the orders of the Court in a Section 8(5) application, by depositing monthly rents without any default or delay. He would therefore pray for the revision being allowed.

9. Meeting the arguments of Mr.P.M.Duraiswamy, the learned counsel for the respondent/ landlord, Mr. Antony Jesus would state that the order of deposit



of rents was only in pursuance of an alleged refusal to receive rents by the erstwhile landlord and at least after the petitioner was put on notice about the purchase by the respondent, the petitioner should have been diligent and bona fide in tendering rents to the respondent. However, without doing so, the petitioner continued to deposit the rents into Court and he has therefore deprived the respondent of his legitimate entitlement to rents. He would therefore state that the Rent Controller as well as the Appellate Authority had rightly found that the petitioner is guilty of committing wilful default in payment of rents. He would therefore pray for dismissal of the revision petitions.

10. Dealing with the Eviction Petition first, both the Rent Controller and the Appellate Authority have rendered concurrent findings that the petitioner is a wilful defaulter in payment of rents. The only defence that is raised by the petitioner is that he had earlier filed an application under Section 8(5) of the Rent Control Act in RCOP.No. 105 of 2004, where permission was granted to him to deposit the monthly rents into Court and when he has been complying with the said orders of a competent Court, he cannot be accused or branded as a wilful defaulter, I am unable to accept this line of submission.



11. The petitioner may have been justified in continuing to deposit rents, if at all the property was not alienated or conveyed in the favour of the respondent herein and continued to vest with the erstwhile landlord, C.G.Arumugam. However, to the knowledge of the petitioner, the property has been alienated and title has vested with the respondent. The said factum of the purchase has also been informed to the petitioner by a notice. In reply to the said notice, the petitioner has only stated that he is depositing rents into Court. After having come to know that the property has been purchased by the respondent, the petitioner ought not to have continued to deposit the rents as was being done earlier to the credit of RCOP.No. 105 of 2004, that too which was a Section 8(5) application, filed against the erstwhile landlord. The conduct of the petitioner in continuing to deposit rents, despite coming to know of the factum of sale of the property in favour of the respondent, clearly indicates his conduct and attitude that he wanted to deprive the respondent of his due entitlement of monthly rents. Therefore, the conduct of the petitioner in not paying the rents to the respondent and taking shelter under the order passed in RCOP.No.105 of 2004, which was filed only against the erstwhile landlord is of no avail. The Rent Controller as well the Appellate Authority has rightly found the conduct of the petitioner to be wilful and I do not see any grounds to interfere under Section 25 of the Act.



12. Coming to the revision petition challenging the fixation of fair rent, except questioning the findings on the age, depreciation and market value, there is no serious contest on the part of the petitioner/ tenant. I have gone through the order of the Rent Controller as well as the Appellate Authority. An engineer has been examined on the side of the respondent/ landlord. On the side of the petitioner, excepting for the oral evidence of one of the partners of the petitioner herein by name Ashok, there is no other evidence on the side of the petitioner /tenant. The rent controller went by the report of the Engineer examined on the side of the petitioner to fix the age of the building as 35 years. The Rent Controller also found that there was no specific denial with regard to the age of the building in the counter statement as well. The said finding was affirmed by the Appellate Authority. I do not see how the finding regarding age is perverse or illegal, warranting interference in revision.

13. Coming to depreciation, though it is argued by the learned counsel Mr.P.M.Duraiswamy, that depreciation factored by the Rent Controller is very low, considering the age of the building, I am unable to countenance the argument for the simple reason that under the Act, rates of depreciation are fixed and set out, to be applied depending on the age and type of building. The depreciation has been taken as 1% in line with the statute and therefore, I do not



see any requirement to tinker with the findings of the Courts below in this regard as well.

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14. As regards market value, the petitioner's Engineer arrived at a market value at 4136 per sq.ft. However, the Rent Controller rejected the same on the ground that no model sale deed was filed and proceeded to fix the market value at 4000 per sq.ft. The Appellate Authority while dealing with the market value took note of Exhibits C1 (Advocate Commissioner's report) and C2 (Valuer's report), where fair rent has been fixed at Rs.27,000/- per month and placing reliance on the same, fixed the rent at Rs.25,000/- per month. In fact, the Appellate Authority independently proceeded on the basis of Exhibits C1 and C2 and yet affirmed the findings of the Rent Controller fixing the rent at Rs.25,000/- per month.

15. In the light of the above, I do not see any scope for interference under Section 25 of the Act. There is no merit in both these revisions petitions. In fine, these Civil Revision Petitions are dismissed. Consequently, connected Miscellaneous Petitions are also dismissed. The petitioner shall vacate and handover the vacant possession of the tenanted premises by 30.06.2026. No costs.



27.02.2026

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Neutral Citation Case : Yes/No

Internet: Yes/No

Index : Yes/No

To:

1. The Rent Control Appellate Authority/Principal Sub Court, Coimbatore.
2. The Rent Controller, Principal District Munsif Court, Coimbatore



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P.B.BALAJI, J.,

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**Pre-delivery order in
CRP. Nos.3263 & 3264 of 2024
and CMP. Nos.17467 & 17469 of 2024**

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