



WEB COPY

CRP No. 950 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP No. 950 of 2026

Chandramohan, S/o.C.Subbaian,
D.No.94 (old No.691), V.K.K.Menon Road,
New Siddhapudur, Coimbatore 641 044.

..Petitioner(s)

Vs

K.M.Nowshad, S/o. K.K.Mohamed,
Jaya Bakery, D.No.94 Old No.691 V.K.K.Menon
Road, New Siddhapudur,
Coimbatore 641 044.

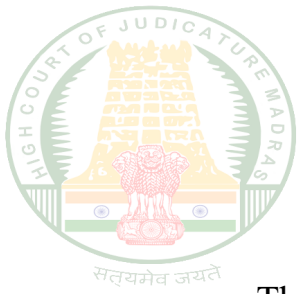
Now Rest.at Kuzhikandathil,
K.K.Villa, Lenin Nagar,
Poonkunnam, Thrisur,
Kerela State 680 002.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to set aside the judgement and decree dated 07-10-2025 made in RCA.No.44 of 2023 on the file of Principal Subordinate Court, Coimbatore, reversing the order and decreetal order dated 07-08-2023 made in RCOP.No.316 of 2009 on the 1st Additional District.Munsif, Coimbatore.

For Petitioner(s): Mr. R. Nandha Kumar

For Respondent(s): Mr..C.Ravichandran



ORDER

WEB COPY

This Civil Revision Petition has been filed to set aside the judgement and decree dated 07-10-2025 made in RCA.No.44 of 2023 on the file of Principal Subordinate Court, Coimbatore, reversing the order dated 07-08-2023 made in RCOP.No.316 of 2009 on the 1st Additional District.Munsif, Coimbatore.

2. The civil revision petitioner is the landlord and he filed RCOP No.316 of 2009 seeking fixation of fair rent to the tenanted property and the same was allowed, fixing fair rent at Rs.24,910/- per month. Aggrieved by the above said order, the respondent/ tenant filed an appeal in RCA No.44 of 2023. The Rent Control Appellate Authority has allowed the appeal by remitting the matter to the Rent Controller to fix the fair rent, by following the procedure under Section 4 of the Act. Challenging the order passed by the revisional authority, the present civil revision petition has been filed by the petitioner/landlord.

3. This is a revision, challenging the order of remand by the Rent Control Appellate Authority, exercising its jurisdiction under Section 23 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960, as amended by Act 23 of 1973.



4. Mr.R.Nandha Kumar, learned counsel for the petitioner would straight away point out that, under Section 23 of the Act, the appellate authority does not have power to remit the matter to the Rent Controller and at best the Rent Control Appellate Authority can keep the appeal pending and call for findings from the Rent Controller.

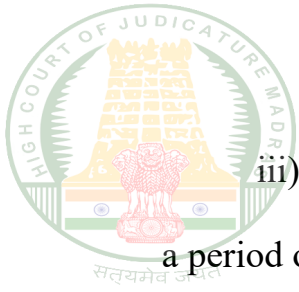
5. Admittedly, the said exercise has not been done and the Rent Control Appellate Authority has remitted the matter for fresh consideration of the Rent Controller.

6. Mr.C.Ravichandran, learned counsel for the respondent fairly concedes to the said legal position, however, he states that the matter can be remitted by this court to the appellate authority to decide the appeal, independently on its own merits.

7. In the light of the above, this civil revision petition is allowed in the following manner:-

i) The judgment and decree passed in RCA.No.44 of 2023, dated 07.10.2025 is set aside.

ii) The matter is remitted to the Principal Sub Court, Coimbatore to decide the RCA No.44 of 2023 afresh, after affording fair opportunities to both the parties.



iii) The Rent Control Appellate Authority shall decide the appeal, within a period of three months from the date of receipt of copy of order.

iv) In the event of the records having been sent to the Rent Controller, already, pursuant to the order of remand, the appellate authority, namely Principal Sub Court, Coimbatore shall ensure the records are recalled by him forthwith.

There shall be no order as to costs. Connected miscellaneous petition is closed.

16-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

1. The Principal Sub Judge, Coimbatore.
2. The I Additional District Munsif, Coimbatore.



WEB COPY

CRP No. 950 of 2



P.B.BALAJI, J.

MST

CRP No. 950 of 2026

16-07-2026