



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 3311 of 2025

and

CMP No. 18282 of 2025

1. Sri Jayalakshmi Binding Works
Rep by its Partners Mr.S.Sekar and
K.S.Praveen, No.3/30, Badrian Street,
Chennai-600 001

2. S.Sekar
Partner, Sri Jayalakshmi Binding
Works, NO.3/30, Badrian St, Chennai 1

3. K.S.Praveen
Partner, Sri Jayalakshmi Binding Works
No.3/30, Badrian St, Chennai 1.

Petitioners

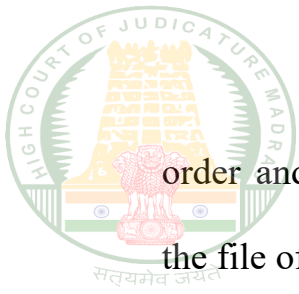
Vs

Prem Raji

Respondent

PRAYER:

Civil Revision Petition filed under Section 115 of the Civil Procedure Code, before this Court to set aside the order and decreetal order dated 10-04-2024 passed in RCA.No.137/2022 on the file of Learned Rent Control Appellate Authority, VII Judge, FAC Court of Small Causes at Chennai confirming the



order and decreetal order dated 21-09-2022 passed in RCOP.No.220/2018 on the file of the learned XIV Court of Small Causes, Chennai.

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For Petitioners: Mr.S.Sadasharam

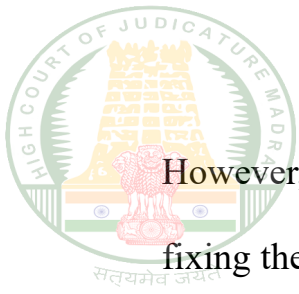
For Respondent: Mr.Thanka Sivan

ORDER

The revision petitioners/tenants challenges the order of the Appellate Authority dated 10.04.2024, confirming the order dated 21.09.2022 passed by the Rent Controller, under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 in fixing of fair rent at Rs.55,339/-.

2. The respondent/landlord filed R.C.O.P No.220 of 2018 before the 14th Judge, Court of Small Causes, Chennai under Section 4 of the Act for fixation of fair rent payable by the petitioners/tenants considering that the area under the occupation of the petitioners is more than 1 ground and that the rent paid by the petitioners was very low, compared to the prevailing market rate. Considering the same, rent controller fixed the fair rent at Rs.55,339/- per month.

3. The revision petitioners aggrieved by the order of the Rent Controller filed R.C.A.No.127 of 2022 on the file of XIV Court of Small Causes, Chennai.

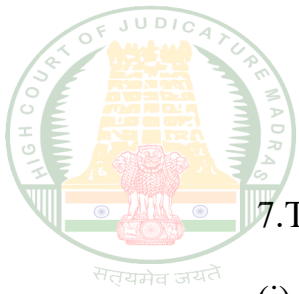


However, the Appellate Authority confirmed the order of the Rent Controller, in fixing the fair rent and dismissed the Appeal. As against the concurrent findings, the present civil revision has been filed by the petitioners/tenants.

4. Mr. S. Sadasharam, the learned counsel for the petitioner would submit that the Rent Controller as well as the Appellate Authority have not determined the correct age of the building and without taking into account the fact that the respondent's Engineer had clearly deposed that the building is more than 50 years old and that even the Court has fixed the market value at one crore, without considering the relevant factors, which are to be considered while arriving at a decision under Section 4 of the Act, he further submit that consequently the age of the building and depreciation have also not been properly arrived at.

5. The learned counsel for the respondent would submit that the Rent Controller as well as the Appellate Authority have assessed the oral and documentary evidence adduced by both parties, especially the Engineers examined on the side of the petitioners as well as the respondent, while fixing the fair rent. Therefore, there is no perversity or illegality in the decision arrived at by the Courts below. He therefore prayed for dismissal of the revision.

6. I have considered the rival submissions advanced by learned counsel appearing on either side.



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7. The main grounds of challenge in the revision are with regard to:

- (i) Fixation of fair rent with regard to the age of the building and
- (ii) The market value of the land.

8. With regard to the age of the building, the Courts have assessed the age of the building at 35 years. The Engineer examined on the side of the landlord has ascertained the age of the building to be 35 years, whereas the engineer examined on the petitioners/tenants ascertained the age of the building as 50 years. The Rent Controller, by taking note of the fact that both parties were not able to produce evidence regarding the correct age of the building has taken the age of the building as 35 years. Therefore, I do not find any error in the said finding.

9. Coming to the market value Ex.P2 -Sale Deed has been relied on by the land lord to establish that the market value of the land was 60 lakhs in 2016 for an extent of land sold in the year 2015 and based upon the same, the market value has been arrived at Rs,1,00,00,000/- per ground. The court has also found that the subject property is situated adjacent to property which is covered under Ex.P2. On the side of the respondent, there is no document produced to establish the market value of the land. Therefore, there is no error in the aforesaid finding also.

10. In view of the aforesaid findings, this Court is not inclined to interfere with the well considered findings of the Courts below. Therefore, this Civil



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Revision Petition is dismissed. No costs. Consequently, connected
Miscellaneous Petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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P.B.BALAJI, J.
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To

The VII Court of Small Causes, Chennai.

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