

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6448 OF 1998@@
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B.S. Ramachandra ... Appellant (s)

Vs.

Shri S.K. Lakshmana ... Respondent (s)

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This appeal is against an order dated 12th January, 1998.

Briefly stated, the facts are as follows:

The respondent filed an application for fixation of fair rent as per the provisions of Section 14 of the Karnataka Rent Control Act, 1961 (hereinafter referred to 'the Act'). The Rent Controller, by his order dated 7th May, 1992 fixed the fair rent at Rs.1,200/- per month in respect of the share of the respondent. The appellant filed a revision petition before the High Court, which was dismissed by the impugned order. It has been submitted that the Rent Controller has not fixed the fair rent in accordance with the provisions of Section 14 of the Act inasmuch as the Rent Controller has noticed that the yearly tax on the entire property is Rs.2,235.50 and has still fixed the monthly rent as Rs.1,200/- per month.

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It is submitted that under Section 14 of the Act, the Rent Controller cannot fix fair rent exceeding hundred per cent of the rateable value of the property. It is submitted that even presuming that the respondent has a larger area than the other co-owners, still the rateable value of the share of the respondent in the property could not be more than Rs.100/- per month. It is submitted that thus the rent could not have been fixed at Rs.1,200/- per month.

We see no substance in the submission. In fixing the fair rent the Rent Controller has taken into account the prevailing rates of rent in the locality for same or similar accommodation. The Rent Controller has also taken into account the other relevant facts. Section 14 gives the Rent Controller an option to fix fair rent not exceeding hundred per cent either of the rate of rent or of the rateable value. It is an admitted position that the rent was Rs.256.25 per month. The fair rent fixed by the Rent Controller does not exceed hundred per cent of

the rent. The High Court has correctly not interfered with this fixation. We also see no reason to interfere.

It must be mentioned that it was submitted on behalf of the respondents that this appeal has abated by

virtue of the Karnataka Rent Act, 1999. In the view we have taken, it is not necessary for us to go into this aspect of the matter.

The appeal stands dismissed. There shall be no order as to costs.

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(S.N. VARIAVA)

.....J.
(BRIJESH KUMAR)

NEW DELHI
SEPTEMBER 05, 2002.