

SUPREME COURT OF INDIA

M.Thangavel

Vs.

R.Palani

C.A.No.2565-2566/2017

(Kurian Joseph and A.M.Khanwilkar,JJ.,)

14.02.2017

JUDGMENT

Kurian Joseph,J.,

SLP (C)No.191-192/2015

1. Leave granted.

2. The appellant-tenant is aggrieved by the order of eviction granted by the Rent Controller, Chennai. The said order has been upheld by the Appellate Court and confirmed by the High Court. The landlord had taken two grounds: 1) arrears of rent and, 2) bona fide requirement for own use.

3. It appears that the petition was considered only on the ground of arrears of rent since the landlord, according to the Rent Controller, the Appellate Authority and the High Court, was entitled to succeed on that ground. While the matter was pending before this Court, by order dated 16.01.2015, this Court fixed the use and occupation charges at the rate of Rs.10,000/- with effect from 01.01.2015. The said amount is being paid ever since.

4. The counsel for both sides on instructions have fairly submitted that the tenancy can be continued on revised terms in case the landlord is granted the liberty to file a fresh petition for eviction on all grounds available now.

5. We see no reason to deny the request since admittedly neither the Rent Controller nor, for that matter, the Appellate Authority or the High Court has gone into other aspects.

6. Since the parties are agreed on the above course of action, the appeal is disposed of fixing the rent for the premises from the month of March, 2017 as Rs.15,000/- per month which shall be paid before the 10th of every month to the landlord. The payment can be made by the appellant-tenant to the landlord through cheque or net banking. The landlord is also given

the liberty to institute fresh proceedings on any of the available grounds for possession of the premises under the Tamil Nadu Building (Lease & Rent Control) Act, 1960.

7. The appeals are disposed of in the above terms.