



C.R.P(MD)No.1690 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1690 of 2026

and

C.M.P(MD)No.8160 of 2026

N.Gandhi (died)

1.Chandra

2.Ravi

.. Petitioners

Vs.

Aaru.Kumar

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decretal order dated 27.04.2026 made in I.A.No.5 of 2026 in RCOP No.43 of 2022 on the file of District Munsif/Rent Controller, Karaikudi, and set aside the same.

For Petitioners : M/s John Seema

For Respondent : Mr.S.Manikandan

* * * * *



C.R.P(MD)No.1690 of 2026

WEB COPY

ORDER

The Civil Revision Petition is filed challenging the order passed by the Rent Court dismissing the application filed by the petitioner/tenant seeking appointment of an Advocate Commissioner to note down the physical features of the petition premises.

2.The respondent/landlord filed a petition seeking repossession of the demised premises under Sections 21(2)(d), 21(2)(g) and 21(2)(a) read with Section 25 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The petitioner/tenant filed a counter affidavit resisting the same on the ground that the demised building, which was an old structure, had already collapsed. It is the specific case of the petitioner that there is no building in the subject matter of the petition and that what is available is only a shed.

3.The instant application has been filed by the petitioner/tenant seeking appointment of an Advocate Commissioner to note down the physical features of the petition premises in order to establish the plea that there is no building in existence and that only a shed is available. In the counter filed to the application seeking appointment of an



C.R.P(MD)No.1690 of 2026

WEB COPY

Advocate Commissioner, the respondent/landlord has categorically averred that the petitioner/tenant demolished the building and illegally put up a shed in the demised premises. In view of the admission made by the respondent/landlord in the counter that there is only a shed in the demised premises, the physical feature pleaded by the petitioner/tenant stands admitted. Therefore, there is no dispute with regard to the physical features. In such circumstances, there is absolutely no necessity for appointment of an Advocate Commissioner. However, while dismissing the application for appointment of an Advocate Commissioner, the Rent Court unnecessarily went into the merits of the main proceedings and rendered a finding regarding the existence of the landlord-tenant relationship between the parties. In an application seeking appointment of an Advocate Commissioner, the Rent Court need not have gone into the question of the maintainability of the main petition or the existence of the jural relationship between the parties.

4. Therefore, this Court makes it clear that any observation made by the Rent Court in the impugned order regarding the existence of the landlord-tenant relationship shall not come in the way of either party advancing their respective contentions at the time of final disposal of the main petition.



C.R.P(MD)No.1690 of 2026

WEB COPY

5. With the above clarification, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

02.07.2026

Index :Yes / No

Internet :Yes / No

NCC :Yes / No

skn

To

1.The Subordinate Court, Ramanathapuram

.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court,

Madurai.



WEB COPY



C.R.P(MD)No.1690 of 2026

S.SOUNTHAR, J.

skn

C.R.P.(MD)No.1690 of 2026
and
C.M.P(MD)No.8160 of 2026

02.07.2026