



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20/1/2015

C O R A M

WEB COPY

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD(MD) No.2052 of 2014 and
MP(MD)No.1/2014

1. P.M.Abdul Azeez
2. P. Paraneekumar
3. Hotel Impala
rep. by Partners Manimekalai
Pudukottai. ...Petitioners/Petitioners/Respondents

Vs

Dr.K.H.Salim ... Respondent/Respondent/Petitioner

Petition filed under Article 227 of the Constitution of India against the order dated 24/3/2014 passed in I.A.No.69 of 2013 in R.C.O.P.No.2 of 2011 on the file of the District Munsif, Pudukottai.

For petitioners ... Mr.A.Saravanan

For respondent ... Mr.G.Sridharan

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O R D E R

This Civil Revision Petition is directed against the order refusing to appoint a Commissioner in the Rent Control proceedings for the purpose of noting down the physical features of the demised premises.

2. The Rent Controller had rightly dismissed the same as the factum of possession cannot be ascertained by the Commissioner appointed by the Court. Aggrieved by the same, this Civil Revision Petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

3. First of all, the revision itself is not maintainable against the order passed by the Rent Controller, as per Section 23



of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. Any order passed by the Rent Controller is only appealable before the Rent Control Appellate Authority and cannot be filed under Article 227 of the Constitution of India.

4. "Any order passed by the Rent Controller" would certainly exclude the procedural orders or those which do not affect the rights or liabilities of the parties. Unless the right or liability of the party is affected, even an appeal would not lie. Now, in any Rent Control proceedings, the Rent Controller may pass orders on Interlocutory Applications regarding summoning of witnesses, production and inspection of documents and the one like the present impugned order viz., issuance of commission for inspection of the premises and admissibility of the documents etc. These Interlocutory Applications are taken out and the orders are passed only for the final adjudication and for assisting the parties in prosecuting the case. Sometimes these interlocutory orders regulate the procedure only and do not affect the rights or liabilities of the parties. Otherwise, in Rent Control proceeding which is summary in nature, the parties would be harassed with endless expenses and delay by appeals from such procedural orders. However, appeal is maintainable against the orders passed under Section 11 of the said Act where any order passed under 11 (4) of the said Act would affect the right of any one of the parties. Therefore, the impugned order refusing to appoint the Commissioner cannot be subjected to appeal even the before the Rent Control Appellate Authority.

5. In view of the above said legal position, this Civil Revision Petition is not maintainable against the order from the Interlocutory Application.

6. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif, Pudukottai.

+One cc to Mr.A.Saravanan, Advocate, SR.No.2943

+One cc to Mr.G.Sridharan, Advocate, SR.No.2471

mvs

RL/4 c- 13/2/2015