

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.1349 OF 2015
AND MP NO.1 OF 2015

1.B.Subramanian
2.S.Prakash

... Petitioners

Versus

Bade Krishnaveni

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 11.03.2015 made in M.P.No.780 of 2014 in R.C.O.P.No.507 of 2014 passed by the learned XI Judge, Court of Small Causes, Chennai.

For Petitioners : Mr.H.Kishore

For Respondent : Mr.N.Siva Prakash

ORDER

The respondent instituted a proceedings in R.C.O.P.507 of

2014, before the learned XI Judge, Small Causes Court, Chennai, for eviction on the ground of sublease, acts of waste and additional accommodation.

2. In the said petition, the respondent filed an application for appointment of Advocate Commissioner to inspect the property and note down the physical features and particularly the acts of waste. The application was allowed by the learned Trial Judge notwithstanding the fact the parties are yet to adduce evidence. Feeling aggrieved, the petitioners are before this Court.

3. Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the respondent.

4. The Eviction Petition was filed on various grounds including the ground act of waste. The learned Trial Judge straight away allowed the application filed by the respondent without waiting for adducing evidence by the parties. There is no question of appointment of Advocate Commissioner in view of the grounds taken in the eviction petition.

5. After hearing the learned counsel for the parties, I am of the view that the matter requires fresh consideration by the learned Trial Judge.

6. The order dated 11.03.2015 passed in M.P.No.780 of 2014 in R.C.O.P.No.507 of 2014 is directed to be kept in abeyance. The learned Trial Judge is directed to depute an Advocate Commissioner to inspect the property and submit his report, after the conclusion of evidence.

7. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

09.11.2016

TK

To

The XI Judge
Small Causes Court
Chennai.

K.K.SASIDHARAN, J.

TK

CRP (PD) NO.1349 OF 2015

09.11.2016
<http://www.judis.nic.in>