



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.06.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1202 of 2016

and

C.M.P. (MD) No.5936 of 2016

V.Kasi Viswanathan

.. Petitioner/Petitioner/
Respondent-Tenant

vs.

Tuticorin Nagarathar Viduthi Trust
Through its Hereditary Trustee,
L.Ramasamy Chettiar.

.. Respondent/Respondent/
Petitioner-Landlord

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 22.03.2016 made in I.A.No.14 of 2016 in R.C.O.P.No.9 of 2015 on the file of the Principal District Munsif/Rent Controller, Thoothukudi.

For Petitioner : Mr.R.Balakrishnan

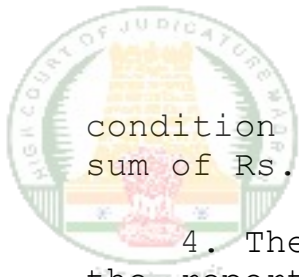
For Respondent : Mr.M.P.Senthil

ORDER

This revision arises out of the order passed by the Rent Controller (Principal District Munsif), Thoothukudi in I.A.No.14 of 2016 in R.C.O.P.No.9 of 2015.

2. Heard Mr.R.Balakrishnan, learned counsel appearing for the petitioner and Mr.M.P.Senthil, learned counsel appearing for the respondent.

3. The respondent as landlord initiated eviction proceedings against the petitioner under Section 10(2)(1) of the Tamil Nadu Buildings Lease and Rent Control Act, 1960, contending that the tenant has defaulted in making payments of rent, since December 2012. Pending eviction petition, the tenant took out an application in I.A.No.14 of 2016 for appointment of an Advocate Commissioner to note down the physical features of the suit property contending that the building is in a dilapidated



condition and the tenant premises is 100 years old and he spent a sum of Rs.2,00,000/- to renovate the house.

4. The application was resisted by the respondent stating that the report of the Commissioner is no way helpful to decide the issue and it was filed only to drag on the proceedings.

5. The learned Rent Controller dismissed the application observing that the eviction petition was filed on the ground of wilful default and the report of the Advocate Commissioner would not be helpful to decide the issues involved in the main R.C.O.P. In view of the above, I do not find any illegality or irregularity in the order impugned in the revision.

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

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To
The Principal District Munsif/Rent Controller,
Thoothukudi.

+1 CC to Mr.R.BALAKRISHNAN, Advocate, SR No.32129

+1 CC to Mr.M.P.SENTHIL, Advocate, SR No.32416

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and**

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ps

SH/PEK/SAR-II:11.07.2016:2P/4C