

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) Nos.2227 to 2230 of 2017
and C.M.P.No.10605 of 2017

Savani Transports Private Limited,
Rep. by its Director,
Old No.72, New No.145,
Thambuchetti Street,
Chennai - 600 001.

... Petitioner in all CRPs./Tenant

Vs.

M.S.Sandilya

... Respondent in all CRPs./Landlord

PRAYER IN C.R.P.NO.2227 of 2017: Civil Revision Petition filed under Article 227 of Constitution of India, as against the fair and decreetal order dated 27.04.2017 on the file of the learned VII Judge, Small Causes Court at Chennai in R.C.A. S.R.No.24859 of 2017 against in M.P.No.5 of 2017 in R.C.O.P.No.725 of 2012.

PRAYER IN C.R.P.NO.2228 of 2017: Civil Revision Petition filed under Article 227 of Constitution of India, as against the fair and decreetal order dated 15.03.2017 on the file of the learned XIII Judge, Small Causes Court at Chennai in M.P.No.5 of 2017 in R.C.O.P.No.725 of 2012.

PRAYER IN C.R.P.NO.2229 of 2017: Civil Revision Petition filed under Article 227 of Constitution of India, as against the fair and decreetal order dated 15.03.2017 on the file of the learned XIII Judge, Small Causes Court at Chennai in M.P.No.6 of 2017 in R.C.O.P.No.725 of 2012.

PRAYER IN C.R.P.NO.2230 of 2017: Civil Revision Petition filed under Article 227 of Constitution of India, as against the fair and decreetal order dated 27.04.2017 on the file of the learned VII Judge, Small Causes Court at Chennai , in R.C.A.S.R.No.24853 of 2017 against the M.P.No.6 of 2017 in R.C.O.P.No.725 of 2012.

For Petitioner : Mr.T.M.Hariharan

COMMON ORDER

These Civil Revision Petitions have been filed against the orders of dismissal of the petitions to appoint the commissioner, qualified engineer to inspect the property and to file a report and to re-open RCOP, and which were confirmed by the lower appellate Court in R.C.A.S.R.Nos.24859 and 24853 of 2017 respectively, by rejecting the said appeals.

2. Already, on the side of the petitioner/tenant, an engineer

has filed the report and on the side of the landlord/respondent another engineer had filed a report. Both the engineers have let in evidence and cross examined by the respective parties.

3. Apart from this, the tenant in a previous revision petition in C.R.P.Nos.2973 and 2974 of 2014 was given opportunity to cross examine the respondent's side engineer further, who was examined as P.W.2, in order to elicit certain facts based on the report on the side of the tenant. Now the tenant has come up with another petition to appoint another engineer through Court, to find out as to whether there is any construction of second floor portion.

4. Substantial evidence has been let in on the side of the petitioner as well as the respondent by way of report filed by the respective engineers. At this stage, the Court can not permit the parties to collect further evidence by appointing another engineer. The tenant can raise his objections against the fair rent arrived on the basis of engineers report. Reopening the case and appointment of a third engineer through the Court is not warranted and it will unnecessarily

protract the proceedings.

M. GOVINDARAJ, J.

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5. The trial Court has rightly found that no rights of the petitioner would be affected by denying the request. This Court also finds that there is no irregularity or illegality in the order passed by the trial Court and as such does not require any interference by this Court.

6. Hence, the Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petition is closed. However, the trial Court is directed to dispose of the petitions within a period of three months. No costs.

12.07.2017

Index : Yes/No

Internet : Yes/No

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To

1. The VII Judge, Small Causes Court, Chennai
2. The XIII Judge, Small Causes Court at Chennai

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and C.M.P.No.10605 of 2017



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