

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(NPD) NO.2766 OF 2017

AND

CMP NO.13116 OF 2017

Mahaveer Jain

... Petitioner

**Vs.**

Sri Jain Swetamber Terapanthi Trust Board  
Rep. by its Managing Trustee  
Gokul Chand Bhandari  
No.34, Managappan Street,  
Sowcarpet, Chennai - 600 079.

... Respondent

**PRAYER:** Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, against the fair and decretal order dated 22.02.2017 passed in M.P.No.48 of 2017 in RCA No.468 of 2015 by the learned VII Judge, Small Causes Court, Chennai.

For Petitioner : Mr.S.Venkatesh  
For Respondent : Mr.Ralph Manohar

**ORDER**

This Civil Revision Petition is filed against the order passed by the Rent Control Appellate Authority dismissing the petition filed for appointment of Advocate Commissioner.

2. Admittedly, the petitioner and his brother were two tenants under the respondents. Both of them have filed petitions for appointment of Advocate Commissioner. The petition filed by the petitioner's brother in M.P.No.378 of 2016 in R.C.A.No.467 of 2015 was dismissed by the learned VII Judge, Small Causes Court, Chennai, on 16.12.2016 and the same was confirmed by this Court in CRP (NPD) No.1225 of 2017 dated 04.04.2017. The petition filed by the petitioner for appointment of Advocate Commissioner in M.P.No.48 of 2017 in R.C.A.No.468 of 2015 was also dismissed on 22.02.2017. In both the cases, the respondent is the landlord and the petition premises are two shop portions. It is an admitted case that the total extent of the building is 4000 sq.ft and there is no dispute with regard to the physical features of the building as well as the possession of the petition premises and the

petition premises is under the possession of the petitioner.

3. This Court has come to a conclusion by its order dated 04.04.2017 in CRP (NPD) No.1225 of 2017 that the petitioner has not made out any point or has shown any valid reasons for appointing an Advocate Commissioner. The only intention was to prove the possession of the petitioner and to collect evidence and also to protract the proceedings. Under such circumstances, the application for appointment of Advocate Commissioner was dismissed. The case before this Court is identical since the respondent / landlord and the building are one and the same. Both the brothers have filed separate applications for appointment of Advocate Commissioner, in the petition filed for eviction by the respondent.

4. I do not find any merit in this case and it is only an attempt to protract the proceedings. Already there is a direction by this Court in CRP (NPD) Nos.652 and 653 of 2017, to dispose of R.C.A.Nos.467 and 468 of 2015 respectively, within a period of three months, pending on the file of the Rent Control Appellate Authority / VII Small Causes Court, Chennai, by order dated 24.02.2017. Therefore, the Rent Control Appellate Authority is directed to comply with the order of this Court, within a

period of one month from the date of receipt of a copy of this order.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

17.08.2017

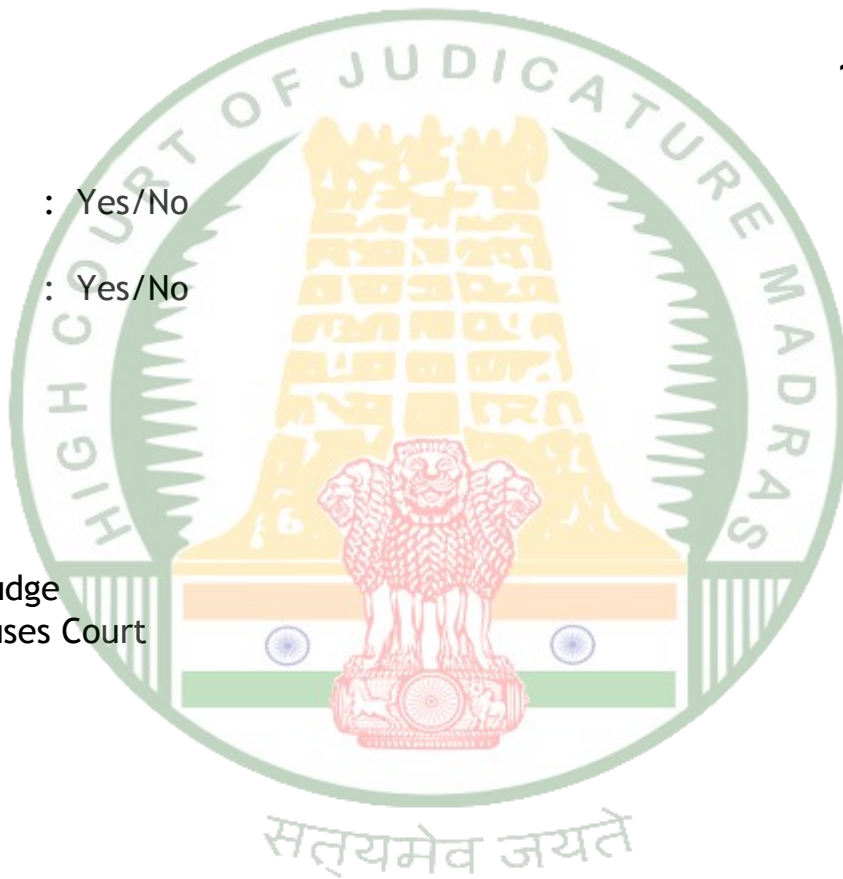
Index : Yes/No

Internet : Yes/No

TK

To

The VII Judge  
Small Causes Court  
Chennai.



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M.GOVINDARAJ, J.

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