

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

Civil Revision Petition (NPD) No.935 of 2017
and
CMP.No.4607 of 2017

1. Krishnamoorthy
2. Venkatesh

...Petitioners

..Vs..

1. D.Ekambaram
2. E.Vijayalakshmi

...Respondents

Prayer: Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease & Rent) Control Act, against the fair and decretal order dated 09.11.2016 passed in M.P.No.340 of 2016 in RCA No.709 of 2013 by Learned VII Judge Small Causes Court, Chennai against the Judgment decree dated 03.12.2013 passed in RCOP. No.207 of 2009 on the file of XVI Judge, Small Cause Court, Chennai.

For Petitioners : Mr.S.Venkatesh

For Respondents : Mr.K.P.Ashok

ORDER

This Civil Revision petition has been filed against the fair and decretal order dated 09.11.2016 passed in M.P.No.340 of 2016 in RCA

No.709 of 2013 by learned VII Judge, Small Causes Court, Chennai, against the Judgment and decree dated 03.12.2013 passed in RCOP. No.207 of 2009 on the file of XVI Judge, Small Causes Court, Chennai.

2. Heard the learned counsel appearing for the petitioners and the respondents.

3. The above MP No.340 of 2016 was filed by the petitioners/tenants for appointment of Advocate Commissioner to inspect the petition premises for local investigation to show that the shop portion occupied by other co-tenants have been kept under lock and key by the respondents and the respondents do not require the petitioner premises. In the above petition, the petitioners/tenants themselves admitted that except the shop occupied by the petitioners/tenants, all other shops occupied by other co-tenants have been kept under lock and key by the respondents/landlords. However, the respondents/landlords require all the shops totally admeasuring 600 sq.ft for their business. Hence, this Court is of the view that the appointment of Advocate Commissioner is not necessary at this stage and therefore, this Court is not inclined to interfere with the impugned order passed by the Appellate Court and the CRP is liable to be dismissed.

4. At this juncture, the learned counsel for the petitioners sought for liberty to file additional documents, before the Appellate Court to prove that the extent of the property now occupied by the petitioners is sufficient for their business.

5. The learned counsel for the respondents would submit that if the filing of additional documents by the petitioners, is permissible under law, the said liberty may be granted to the petitioner.

6. This Court passes the following order:-

i. The Civil Revision Petition is dismissed and the order of the Appellate Court is confirmed.

ii. The petitioner is granted liberty to file an application seeking permission to file additional document, if so advised, within a period of two weeks from the date of receipt of a copy of this order.

iii. On such application being filed, the Appellate Court is directed to dispose of the application and also the RCA, within a period of 3 months from the date of filing of the said application.

D.KRISHNAKUMAR, J.,

7. No Costs. Consequently, connected miscellaneous petition is
closed. jv

15.03.2017

jv

Index : Yes / No

Internet : Yes / No

To

1. The VII Judge Small Causes Court, Chennai.

2. The XVI Judge, Small Cause Court, Chennai.

CRP(NPD) No.935 of 2017

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