



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.225 of 2017 (PD)

and

C.M.P(MD)No.1013 of 2017

Mannai Narayanasamy Educational Trust
Represented by its President and Manager,
T.Cholarajan,S/o.Tamilarasan
Having Office at No.14,
Katcheri Road, Thanjavur Town and Munsif,
Thanjavur District. .. Petitioner/Petitioner

Vs.

Dr.Rathikarani .. Respondent/Respondent

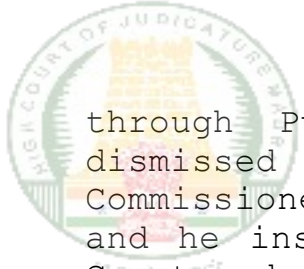
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the fair and decretal order dated 14.12.2016 made in I.A.No.58/2016 in R.C.O.P.No.12/2007 on the file of learned Rent Controller-cum-District Munsif, Thanjavur and set aside the same and allow the above Civil Revision Petition.

For Petitioner : Mr.Veera Kathiravan
Senior Counsel
for Veera Associates

ORDER

This petition has been filed by the petitioner to call for the records relating to the fair and decretal order, dated 14.12.2016 made in I.A.No.58/2016 in R.C.O.P.No.12/2007 passed by the Rent Controller-cum-District Munsif, Thanjavur and set aside the same.

2.The petitioner is the respondent/Tenant in R.C.O.P.No.12 of 2007. The respondent is the petitioner/Landlady. The respondent/Landlady filed R.C.O.P.No.12 of 2007 for fixation of fair rent. In the R.C.O.P., evidence was let in by both the parties and R.C.O.P., was posted for arguments. The respondent argued the matter and filed written arguments. When the R.C.O.P., was posted for arguments on the side of the petitioner, the petitioner filed I.A.No.28 of 2016 for reopening the case on the ground that she is going to file an application for appointment of Advocate Commissioner to get the value of the petition premises



through Public Works Department Engineer. The learned Judge dismissed the application holding that already an Advocate Commissioner was appointed in I.A.No.18 of 2009 and he inspected the property along with valuer approved by the Court and filed his report before the Court on 24.07.2013 itself.

3. Against the said order of dismissal, the petitioner has filed the present Civil Revision Petition.

4. I have heard the learned counsel appearing for the petitioner and also perused the entire materials on record.

5. From the materials on record, it is seen that already an Advocate Commissioner was appointed in the R.C.O.P., and he inspected the property and valued the petition premises with the help of valuer approved by the Court and filed his report on 24.07.2013 itself. The petitioner filed this application after completion of evidence by both the parties and arguments advanced by the counsel for the respondent and after filing written arguments by counsel for the respondent and when the R.C.O.P., is posted for the arguments of the petitioner and after taking number of adjournments for arguments on behalf of the petitioner. In the circumstances, the reason given by the petitioner for reopening the R.C.O.P., is not valid. The intention of the petitioner is only to drag on the proceedings.

6. The learned Judge has considered all these facts and dismissed the application by giving cogent and valid reason and there is no illegally or irregularity warranting interference by this Court.

7. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(C)

/True Copy/

Sub Assistant Registrar

am
To

The Rent Controller-cum-District Munsif,
Thanjavur.

+1cc to M/s Veera Associates, Advocate Sr.No. 6267

JAM/16.02.17/CM-MSA/2P-3C