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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.633 of 2017

and

C.M.P. (MD) .No.2885 of 2017

Karuppusamy

.. Petitioner/Respondent/Respondent

vs.

Rajendran

.. Respondent/ Petitioner/Petitioner

PRAYER : Civil Revision Petition filed under Article 227 of its constitution of India, against the fair and decretal order passed in I.A.No.31 of 2016 in R.C.O.P.No.10 of 2013 dated 17.08.2016 on the file of the Rent Controller cum Principal District Munsif cum Judicial Magistrate, Karaikudi.

For Petitioner : Mr.D.Selvaraj

ORDER

The tenant is the revision petitioner. The respondent landlord filed I.A.No.31 of 2016 under Section 18(A) of Tamilnadu Buildings (Lease and Rent Control) Act, 1960, for appointing an advocate commissioner to inspect the property in question along with an engineer and for submission of valuation report. The Court below allowed the same by order, dated 17.08.2016. The said order is under challenge in this civil revision petition.

2. The learned counsel for the revision petitioner pointed out that the landlord had earlier taken out a petition for appointing an advocate commissioner and that a report was also submitted by the said advocate commissioner. Without scrapping the said report, it was not open to the landlord to take out one more application. This Court is of the view that the earlier report submitted by the advocate commissioner was with regard to the physical features of the property. The present endeavour is to obtain a valuation report with the assistance of an engineer. The RCOP itself is filed for services rendered for rent. Therefore, as rightly observed by the learned Rent Controller, appointment of advocate Commissioner would definitely reduce the volume of the oral evidence. This Court does



not find any reason to interfere with the order passed by the Rent Controller.

3. Hence, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

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Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Munsif - cum -
Judicial magistrate,
Rent controller Karaikudi.
2. The Section Officer, (2 COPIES)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

C.R.P. (MD) No.633 of 2017

NM/SKN/SAR 3/18.09.18/2P/4C