



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.2195 of 2016

and

C.M.P. (MD) No.10172 of 2016

P.Vatsala Bai

... Petitioner

Vs.

S.M.R.Rajasekar

... Respondent

PRAYER : Petition filed under Article 227 of Constitution of India, to set aside the order passed on 30.08.2016 in I.A.No.187 of 2015 in RCOP No.134 of 2015 on the file of before the Building Rent Controller, Principal District Munsif, Madurai Town and allow the petition.

For petitioner : Mr.S.Manohar
For Respondent : No appearance

ORDER

The revision petitioner is the respondent in R.C.O.P.No.134 of 2015 on the file of the Principal Rent Control / Principal District Munsif, Madurai Town. The said R.C.O.P., was filed by the respondent for fixing fair rent. In the said R.C.O.P., I.A.No.187 of 2015 was filed for appointing an Advocate Commissioner, to ascertain the value of the petition mentioned property. The Court below allowed the said I.A., on 30.08.2016. The correctness of the said order is questioned in this Civil Revision Petition.

2.The learned counsel appearing for the revision petitioner submitted that the building in question is a three storeyed building. The petitioner herein is occupying a portion of the ground floor. According to him, the entire building will have to be measured. The petitioner herein can invoke the principle of apportionment of value.

3.I find force in the said contentions. Therefore, the order impugned in this Civil Revision Petition is modified. The Advocate Commissioner shall measure the entire building of which the petition mentioned portion forms a portion. The Advocate Commissioner shall ofcourse, take the assistance of a qualified engineer.



4. With this modification, the order impugned in this Civil Revision Petition is sustained and this Civil Revision Petition disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

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SD/-

ASSISTANT REGISTRAR (WRITS)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS I)

To:

The Principal Rent Control /
Principal District Munsif, Madurai Town.

COPY TO:

The Record Keeper, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. S. MANOHAR, ADVOCATE SR No.83032

1CC TO MR. G. ARAVINTHAN, ADVOCATE SR No. 82855

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ORDER MADE IN
C.R.P. (PD) (MD) .No.2195 of 2016
06.09.2018