

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **14.06.2019**

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.1873 of 2019

and

C.M.P.No.12325 of 2019

Ms.Preetha Mohandoss,
D/o.Late Appukuttah,
Proprietrix of Salon Elite,
No.99 (Old No.42/2), Ground Floor,
4th Main Road,
Gandhi Nagar,
Adyar,
Chennai-600 020.

: Petitioner

Vs.

B.Prema

: Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order passed in M.P. in SR.No.26214 of 2019 in R.C.O.P.No.37 of 2018, dated 12.04.2019 on the file of the X Small Causes Court, Chennai.

For Petitioner : Mr.G.Vijayakumar

ORDER

The revision petitioner is the respondent/tenant in the rent control proceedings. The respondent herein filed an eviction petition on the ground of owners occupation. Therein, she has specifically pleaded that her grand daughter does not have any other non-residential portion of her own in the city of Chennai or

anywhere in India. In order to prove the fact that the respondent herein has other non-residential portions in the very same petition premises, the revision petitioner herein filed an application for appointment of Advocate Commissioner. The same was rejected by the Rent Controller, against which, the present Civil Revision Petition is presented.

2. I have heard the submissions of the petitioner.

3. It is well settled that the Advocate Commissioner cannot be appointed for collecting evidence or to find out the factum of possession by a party. It is always open to the tenant to prove by oral and documentary evidence that the landlord owns other non-residential building and the same is under occupation of the landlord. As rightly held by the Rent Controller, Advocate Commissioner cannot be appointed for the purpose of collecting evidence. Thus, finding no merit, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY **14.06.2019**

Index:Yes/No

Internet: Yes/No

SML/gv

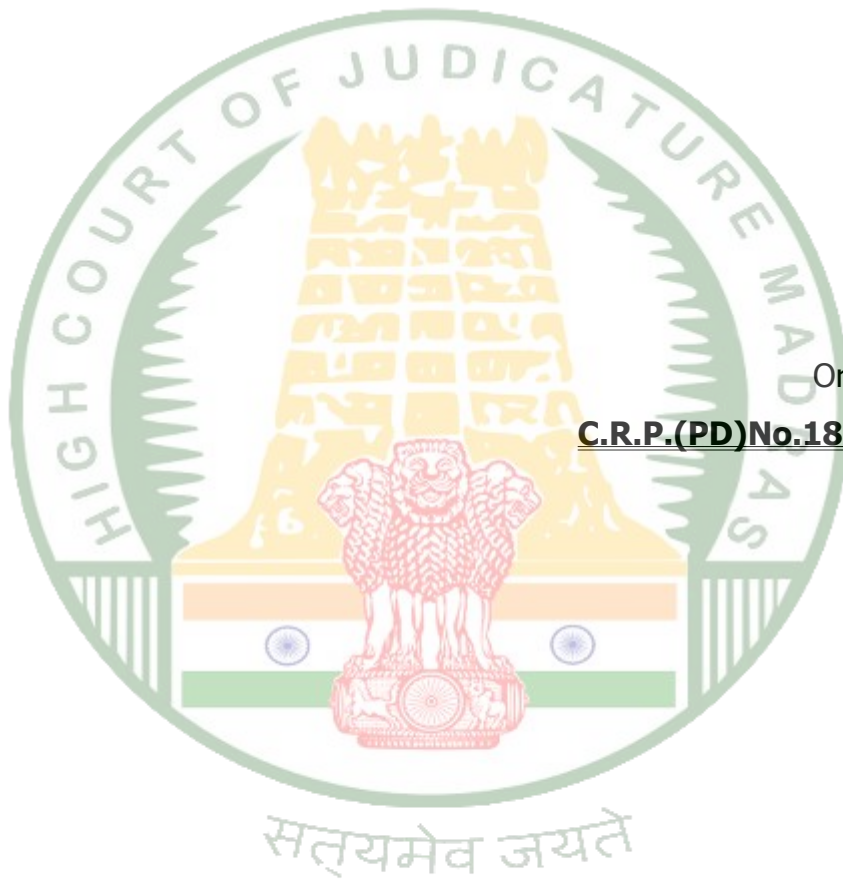
To

The X Small Causes Court,
Chennai.

CRP (PD) No.1873 of 2019

M.GOVINDARAJ, J.

SML/gv



Order made in

C.R.P.(PD)No.1873 of 2019

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