

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(P.D) No.1804 of 2021
and
C.M.P.No.14017 of 2021**

Suresh Anandan

...Petitioner

Vs.

1. Amudhaveni
2. Nandhitha
3. Gowtham

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 29.07.2021 in I.A.No.2 of 2021 in R.C.O.P.No.1 of 2018 passed by the learned Rent Controller and District Munsif, Mettupalayam.

For Petitioner : Mr.S.Parthasarathy, Senior Advocate
for Mr.P.Dinesh Kumar.

ORDER

This Civil Revision Petition is filed, to set aside the order dated 29.07.2021 in I.A.No.2 of 2021 in R.C.O.P.No.1 of 2018 passed by the learned Rent Controller and District Munsif, Mettupalayam.

2. The learned Trial Judge, after considering the rival submissions, dismissed the petition in I.A.No.2 of 2021 on 29.07.2021. Against the said order, this Civil Revision Petition is preferred.

3. The learned counsel for the petitioner submitted that the respondents filed R.C.O.P.No.1 of 2018, on the ground of wilful default before the District Munsif Court, Mettupalayam, under Section 10 (2) (i), 10 (3) (a) (iii) and 10 (2) (a) (iv) of the Tamil Nadu Buildings (Lease And Rent Control) Act, 1919. The petitioner occupied the ground floor and running grocery shop. There are two floors in the suit property, in which first and second floor are kept vacant for the purpose of running a tuition centre. The respondents claim the petition mentioned premises for their own occupation. More over, the petition mentioned premises is situated in a high traffic area, it is not suitable for starting any institution. Therefore, appointment of an Advocate Commissioner is necessary to bring out all these facts to the knowledge of the court. However, the petition filed for appointment of an Advocate Commissioner was dismissed.

4. Considered the submissions and perused the records.

5. It is for the respondents to choose the choice of premises to run their business. Whatever the case of the petitioner, that has to be proved by examining the witness and by production of documentary evidence. Appointment of an Advocate Commissioner cannot be entertained for gathering evidence, in the facts and circumstances of this case.

6. In this view of the matter, this court finds no reason to interfere with the order dated 29.07.2021 in I.A.No.2 of 2021 in R.C.O.P.No.1 of 2018 passed by the learned Rent Controller and District Munsif, Mettupalayam, and confirms the said order.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

ep/Jer

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Index:Yes/No

Internet:Yes/No

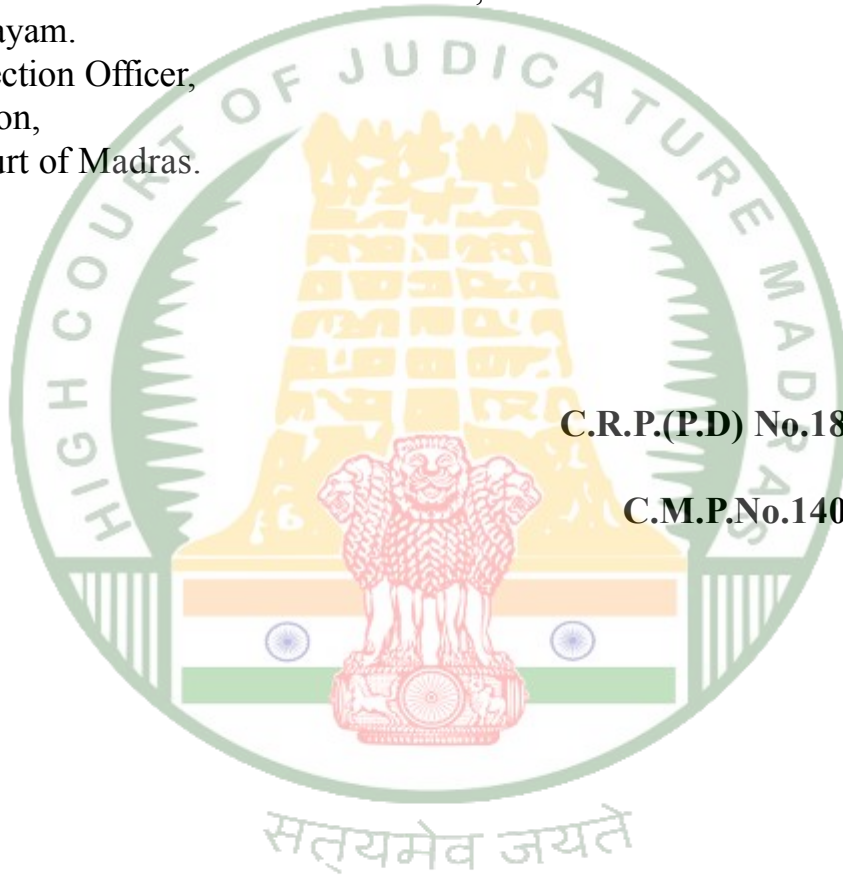
Speaking Order: Yes/No

G.CHANDRASEKHARAN.J,

ep

To

1. The Rent Controller and District Munsif,
Mettupalayam.
2. The Section Officer,
VR Section,
High Court of Madras.



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