



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD)No.156 of 2021

and

C.M.P(MD).No.952 of 2021

WEB COPY

1. A.Prem Nazir
2. A.Saleem Basha
3. A.Ajmal Khan

... Revision Petitioners /
Petitioners/ Respondents/
Tenants

Vs.

R.Ashok

... Respondent/ Respondent/
Petitioner/Landlord

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 01.02.2020 made in I.A.No.142 of 2019 in R.C.O.P.No.254 of 2015, which was filed by the revision petitioners for rejecting the report submitted by the Advocate Commissioner/Engineer who was appointed by the Court below as per order dated 20.02.2017 passed in I.A.No.344 of 2015 in R.C.O.P.No.254 of 2015 which was filed by the respondent herein on the file of the Principal District Munsif, Madurai Town at Madurai which was filed by the Revision Petitioners herein and allow the above civil revision petition.

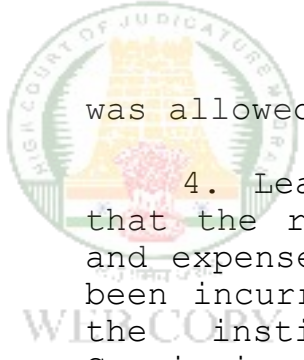
For Petitioners : Mr.M.Shakul Hameed

O R D E R

This Civil Revision Petition is filed to set aside the order dated 01.02.2020, made in I.A.No.142 of 2019 in R.C.O.P.No.254 of 2015 on the file of the Principal District Munsif, Madurai Town.

2. The revision petitioners are the tenants and the respondent is the landlord in the petition in R.C.O.P.No.254 of 2015.

3. Brief facts of the case are that the respondent/landlord has filed a petition in R.C.O.P.No.254 of 2015, on the file of the learned Principal District Munsif, Madurai Town, against the revision petitioners/tenants to fix the fair rent for the petition mentioned property in accordance with the provisions of Tamil Nadu Buildings (Lease and Rent Control) Act 1960. Subsequently, the respondent/landlord filed I.A.No.344 of 2015 under Section 18(A) of the Tamil Nadu Buildings (Lease and Rent Control) Act and Section 151 of C.P.C. to appoint an Advocate Commissioner for the purpose of inspecting the petition mentioned property and to note down the physical features and ascertain the value of the building and site to arrive at the fair rent for the building and the said application



was allowed by the lower Court.

4. Learned counsel for the revision petitioners would submit that the revision petitioners/tenants have submitted various bills and expenses statement towards the renovation of building which has been incurred by them before the Advocate Commissioner, however, at the instigation of the respondent/landlord, the Advocate Commissioner did not produce the same which clearly shows that the Advocate Commissioner has not conducted the proper inspection and submissions of report. In these circumstances, having no other alternative remedy the revision petitioners/tenants filed another application in I.A.No.142 of 2019 to appoint new commissioner for the purpose of inspection of the petition mentioned property. However, without considering the various material facts, the Court below dismissed the said petition. Aggrieved over the same, the revision petitioners came forward to file the present revision petition.

5. Heard the learned counsel for the petitioners and perused the materials placed before this Court.

6. Perusal of record shows that the grievance of the revision petitioners/tenants is that the Advocate Commissioner has not taken into account the expenses incurred by the revision petitioners/tenants for renovation of the building and therefore, would pray for re-appointment of Advocate Commissioner. Admittedly, the R.C.O.P.No.254 of 2015 was filed for fair rent and the Advocate Commissioner has also appointed and noted the physical features, so as to enable the Court to fix the fair rent. If at all the revision petitioners/tenants spent money for the renovation, the same can be established before the Court by producing appropriate bills and letting in evidences. In my opinion, the present petition has been filed only to protract the proceeding and therefore, I am not inclined to interfere in the order of the learned Judge.

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

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Principal District Munsif, Maduri Town,
Madurai.

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10.02.2021

MJ(CO)

KB(03.03.2021) 3P 2C