



WEB COPY



C.R.P. (NPD) .No.2917 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2917 of 2021

and

C.M.P.No.20955 of 2021

Manoranjitham

.. Petitioner

Vs.

1.M/s.Universal Fertilizer Corporation,
A Registered Partnership Firm Rep by its
Managing Partner
P.Vijay Nataraj S/o.Periyasamy Gounder,
418 A, Suramangalam Main Road,
Pallipatty, Salem – 9.

2.Vimaladevi

3.Kavitha

4.Rajkumar

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 23.07.2021 in REA.No.1 of 2019 in REA.No.53 of 2012 in REP.No.581 of 2011 in RCOP.No.41 of 2001 on the file of IV Additional District Munsif Court, Salem and allow the above Civil Revision Petition.

For Petitioner : Mr.R.Nalliyappan

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ORDER

WEB COPY This Revision has been filed, by the judgment debtor, who is one of the legal representatives of the deceased tenant, who had suffered an order of eviction under the Tamilnadu Buildings (Lease and Rent Control) Act, against the dismissal of the application seeking appointment of Commissioner to note down the existence of the machinery and to identify the rented premises.

2. The executing Court dismissed the same on the ground that such exercise cannot be carried out in the execution proceedings. It was also pointed out that there was no dispute regarding the identity of the property and if there is excess execution, it is always open to the petitioner to move the executing Court under the provisions of Order XXI of the Code of Civil Procedure.

3. It is clear that the attempt to have an Advocate Commissioner appointed is only to delay execution. The learned IV Additional District Munsif has rightly concluded that the purpose for which the Commissioner



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is sought for cannot be granted in execution proceedings. Hence, I do not see any reason to interfere with the order of the executing Court.

4. Accordingly, this Revision fails and it is **dismissed**. No costs.

Consequently, the connected miscellaneous petition is closed.

10.01.2022

dsa

Index : No

Speaking order

To

The IV Additional District Munsif Court, Salem.



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R.SUBRAMANIAN, J.

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