



C.R.P.No.3753 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3753 of 2022
and
C.M.P.No.19806 of 2022

M.Gagan Bothra

... Petitioner

VS

1.Balamanian

2.M.Sandeep Bothra

3.M.Karishma Bothra

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 28.09.2022 passed by the learned X Judge, Court of Small Causes, Chennai in M.P.No.92 of 2019 R.C.O.P.No.557 of 2018.

For Petitioner : Mr.M.Gagan Bothra
(Party-in-Person)

For R1 : Mr.P.B.Ramanujam

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below allowing the petition filed by the 1st respondent to permit the 1st respondent's engineer viz., Mr.Ajeez Mohideen to inspect the petition



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mentioned premises and file a report.

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2. The 1st respondent herein filed a petition seeking fixation of fair rent in R.C.O.P.No.557 of 2018 under the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973. Pending said original petition, the 1st respondent filed a petition for permission of the Court to conduct inspection of the demised premises by his engineer to assess the value of the building and file a report. The said application was resisted by the revision petitioner mainly on the ground that there was no jural relationship between the petitioner and the 1st respondent.

3. The Court below negating the objection made by the petitioner and allowed the petition filed by the 1st respondent permitting the 1st respondent's engineer to inspect the demised premises and file a report. Aggrieved by the said order, the petitioner is before this Court.

4. The petitioner who appeared in person submitted that the petitioner denied the very jural relationship of the landlord and tenant and hence,



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without considering the same, the Court below ought not to have permitted to inspect the demised premises by the 1st respondent's engineer.

5. The jural relationship of the landlord and tenant can be decided only at the time of final disposal of the main RCOP. The main RCOP is for fixation of fair rent. Therefore, the report filed by an engineer concerning the value of the demised premises is very much essential for fixation of fair rent.

6. In these circumstances, the order passed by the Court below is liable to be confirmed as it is not vitiated by any material illegality or irregularity.

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

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Index : Yes / No
Speaking Order : Yes / No
dm



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S.SOUNTHAR, J.

dm

To

The X Judge,
Court of Small Causes,
Chennai.

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