



C.R.P. No. 3486 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 3486 of 2023

and

C.M.P.No.21696 of 2023

Padmanabhan

...Petitioner

.Vs.

P. Karuppaiah

...Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the order dated 14.07.2023 made in I.A.No.381 of 2022 in O.S.No.81 of 2018 on the file of the learned District Munsif Court, Mannargudi, Thiruvarur District and allow the above Civil Revision Petition and pass orders.

For Petitioner : Mr.T. Shanmugam



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ORDER

This petition is filed seeking a direction to set aside the order dated 14.07.2023 made in I.A.No.381 of 2022 in O.S.No.81 of 2018 on the file of the learned District Munsif Court, Mannargudi, Thiruvarur District and allow the above Civil Revision Petition

2. The case of the petitioner is that the respondent is the owner of the subject property and the petitioner is a tenant who is running a tailoring shop in the subject property. Whiles, the respondent attempted to cause disturbance to the petitioner and instructed him to vacate the premises, due to which the petitioner filed a suit in O.S.No.81 of 2018 seeking relief of restraining the respondents from evicting the petitioner under due process of law. The respondent has disputed possession and business and also contended that there is no machineries in the tailoring shop, which is incorrect. Hence, the petitioner filed I.A.No.381 of 2022 in O.S.No.81 of 2018 seeking for appointment of an Advocate Commissioner and the same is dismissed vide order dated 14.07.2023. Hence this petition.



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3.The learned counsel for the petitioner submitted that he is paying the rent regularly and there is no default in payment of rent. He further submitted that the learned Judge dismissed the I.A erroneously by observing that the appointment of an Advocate Commissioner is not necessary to the suit. Hence, he prays to allow this petition.

4. On a perusal of the impugned order it is seen that the learned Judge had made an observation that there is tenancy-landlord relationship between the petitioner and the respondent and with regard to the possession and enjoyment of the subject property, the same have to be decided relying on the evidence and documents and not by appointment of Advocate Commissioner, which finding in the considered view of this Court cannot be brushed aside easily. Therefore, there is no necessity to interfere with the impugned order passed by the Court below.

5. In view of the above, the order dated 14.07.2023 made in I.A.No.381 of 2022 in O.S.No.81 of 2018 on the file of the learned District Munsif Court, Mannargudi, Thiruvarur District is confirmed. Accordingly



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this Civil Revision Petition is dismissed. No order as to costs. Consequently the connected miscellaneous petition is closed. However, the petitioner is at liberty to adduce all the documents before the trial Court to prove his case.

22.09.2023

smn

Index : Yes/No

Internet: Yes/No

To.

1. The District Munsif Court, Mannargudi, Thiruvarur District



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V.BHAVANI SUBBAROYAN,J.
Smn

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