



C.R.P(MD).No.1082 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.1082 of 2023

and

CMP(MD)No.5070 of 2023

Radha

... Petitioner/Petitioner/
Respondent/Tenant

Vs.

P.Manikandan

... Respondent/Respondent/
Petitioner/Landlord

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order dated 14.11.2022, passed in I.A.No.2 of 2021 in R.C.O.P.No.13 of 2017 on the file of the Rent Control Authority/District Munsif Cum Judicial Magistrate Court 1, Srivilliputtur.

For petitioner : Mr.F.X.Eugene

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the order dated 14.11.2022, passed in I.A.No.2 of 2021 in R.C.O.P.No.13 of 2017 on the file of the Rent Control Authority/District Munsif Cum Judicial Magistrate Court 1, Srivilliputtur.



2.The petitioner is the tenant who is facing Rent Control proceedings before the Rent Control Authority/District Munsif cum Judicial Magistrate Court 1, Srivilliputtur in RCOP.No.13 of 2017.

3.According to the petitioner the petitioner is regularly paying the rent of Rs.5,500/- and there is no arrears of rent. On the other hand, the respondent demanded a sum of Rs.15,000/- as rent per month.

4.By the impugned order, the Rent Control Authority/District Munsif Cum Judicial Magistrate Court I, Srivilliputtur, has appointed as Advocate Commissioner under Order 26 Rule 9 of CPC to inspect the property and give a report.

5.The learned counsel for the petitioner submits that the appointment of an Advocate Commissioner to assess the fair rent with the help of qualified Civil Engineer is unnecessary and therefore, the impugned order is liable to be interfered with.

6.I have considered the argument advanced by the learned counsel for the petitioner.



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7.It is noticed that the above Rent Control proceedings came to be instituted under the provisions of Tamil Nadu Building (Lease & Rent Control) Act, 1960 by the respondent. The said Act is now repealed and has now been replaced by Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 with effect from 22.02.2019. The rights of the petitioner and / or the respondent has to be only determined in accordance with the provisions of the said Act for the period thereafter. As such by appointing an Advocate Commissioner, it cannot be said that the the petitioner is prejudice, as the Court is merely ascertaining the rent that would be payable by the petitioner. The impugned order does not call for any interference

8.With the above observation, this Civil Revision Petition is dismissed.
No costs. Consequently, the connected miscellaneous petition is closed.

21.04.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss



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C.SARAVANAN,J.

dss

To

- 1.The District Munsif Cum Judicial Magistrate Court 1,
Srivilliputhur.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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