



WEB COPY



A.Nos.5793 and 4107 of 2023
In C.S.No.88 of 2023

**A.Nos.5793 and 4107 of 2023
In
C.S.No.88 of 2023**

N.SATHISH KUMAR,J.

The suit has been originally filed for recovery of arrears. Admittedly, the defendants are the tenants. The lease deed dated 27th December, 2013 came into existence between the parties. The period of lease agreed between the parties is for a period of six years. It is also agreed between the parties that the monthly rent for the premises is Rs.5 Lakhs from 01.05.2014 to 30.04.2017. Thereafter from 01.05.2017 to 30.04.2020 is Rs.5,75,000/-. The lease period expired on 30.04.2020.

2.It is the contention of the learned counsel for the plaintiff that from April, 2019, no rent has been paid by the defendant. It is stated by the learned counsel for the defendants that from April, 2019, they sent the rent by way cheque only for a sum of Rs.2 Lakhs per month which has been returned. The statements clearly indicate that rents have not been paid from April, 2019.

3.Now it is the contention of the learned counsel for the



A.Nos.5793 and 4107 of 2023
In C.S.No.88 of 2023

defendants that they are not permitted to enter the premises from 27.04.2023, whereas, the learned counsel for the plaintiff would submit that the defendants are still running the super market in the premises which has been disputed by the learned counsel for the defendants. Infact, the learned counsel for the defendants would submit that they are ready to hand over the possession provided the stocks available in the premises are handed over to them.

4.Let the plaintiff take possession of the properties after taking inventories of the so called stocks in the suit property, in the presence of Advocate Commissioner.

5.Mr.S.Saran Prasad [M.S.3190/2019], Advocate, Flat GE, Ground Floor, Per Easwari Apartments, 18 (Old No.11-12), 8th Cross Street, Shastri Nagar, Adyar, Chennai – 20 [Mobile No.9943291254], is appointed as the Advocate Commissioner.

6.The Advocate Commissioner shall take the stocks and prepare inventories of the so called stocks available in the property and prepare pucca inventories and hand over the stocks to the defendants



A.Nos.5793 and 4107 of 2023
In C.S.No.88 of 2023

and get acknowledgment. Thereafter, hand over possession of the property to the plaintiff. The entire premises including the ground floor, first floor and the second floor has to be handed over to the plaintiff.

7.The fee of the Advocate Commissioner is fixed at a sum of Rs.40,000/- [Rupees Forty Thousand Only], which shall be shared by both the parties.

8.In respect of recovery of the suit amount, it has to be decided in trial. Post the suit for framing issues on 05.02.2024. The Advocate Commissioner shall file a report before this Court on 05.02.2024.

9.Post the main suit on 05.02.2024 finally. The applications in A.Nos.5793 and 4107 of 2023 are closed.

10.Necessary warrant shall be issued to the Advocate Commissioner by the Registry.

11.01.2024

pri

3/4



WEB COPY



A.Nos.5793 and 4107 of 2023
In C.S.No.88 of 2023

N.SATHISH KUMAR,J.

pri

A.Nos.5793 and 4107 of 2023
In
C.S.No.88 of 2023

11.01.2024



WEB COPY



A.Nos.5793 and 4107 of 2023
In C.S.No.88 of 2023