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CRP.No.4921 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP.No.4921 of 2023

and

CMP.No.28968 of 2023

C.L.Chandrakumar

...
Vs.

Petitioner

C.R.Asokan

...

Respondent

PRAYER : This civil revision petition has been filed under Section 115 of the Civil Procedure Code against the fair and decreetal order passed in I.A.No.1 of 2023 in R.C.O.P.No.38 of 2017 dated 07.11.2023 on the file of the Rent Controller Cum 1st Additional District Munsif Court, Coimbatore.

For Petitioner

...

Mr.A.Thiyagarajan

Senior Counsel

for Mr.S.Ramesh Kumar

ORDER

The civil revision petition has been filed against the fair and decreetal order passed in I.A.No.1 of 2023 in R.C.O.P.No.38 of 2017 dated 07.11.2023 on the file of the Rent Controller Cum 1st Additional District



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2.The learned counsel appearing for petitioner submitted that the petitioner is tenant and the respondent is landlord. The respondent/landlord has filed an application in R.C.O.P.No.38 of 2017 for fixation of fair rent for the petition mentioned property, in which, the petitioner/tenant filed an application in I.A.No.1 of 2023 seeking to receive the documents i.e.(i) bank statements from 28.01.2013 to 15.02.2023, (ii)partition deed dated 11.03.2011, (iii) sale deed dated 12.07.2011 and (iv) property tax receipt dated 11.02.2021. In order to prove the value of the property in that area, the landlord referred the property situated in the Dr.Nanjappa road, which is 2 ½ kilometers away from the petition premises, hence, seeking to set aside the impugned order and allow the civil revision petition.

3.I have considered the matter in the light of the submission made by the learned counsel appearing for the petitioner and perused the materials available on record.

4.On perusal of the impugned order, it is noticed that in para – 6, the



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Rent Controller assigned the reason that the petition mentioned documents viz., (i) bank statements from 28.01.2013 to 15.02.2023, (ii) partition deed dated 11.03.2011, (iii) sale deed dated 12.07.2011 and (iv) property tax receipt dated 11.02.2021 are not relevant to fix the fair rent to the petition mentioned property. Further, it is also noticed that in this case, the valuer has been appointed for value the property and the Advocate Commissioner has also been appointed and the property was valued by the licenced valuer, who has deposed as PW2 in this case. The petitioner has been given an opportunity to cross examine the valuer with regard to the value of the property arrived by the valuer and represent before this Court whether the property valued or not and for valuing the petition mentioned property, the alleged documents sought to be received by the petitioner are not relevant to fix the fair rent. Therefore, the Rent Controller rightly rejected the application and there is no reason to interfere with the impugned order. I find no merit in the civil revision petition. Accordingly, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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To

The Rent Controller
Cum 1st Additional District Munsif Court,
Coimbatore.



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V.SIVAGNANAM,J.

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