



CRP NO. 1192 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

CRP NO. 1192 of 2024 &

CMP.No.6161 of 2024

K.M. Murugesan

.. Petitioner

Vs

1. R. Kalaiselvi
2. R. Vijayalakshmi
3. T.Sakthi Karthika
4. S. Senthil Arumugm
5. S.Shanthosh

A.Subramaniam (died)

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order of the Principal District Munsif Court at Tiruppur, dated 15.02.2024 in I.A.No.89 of 2023 in RCOP.No.06 of 2014.

For Petitioner(s): Mr.P.Valliappan,
Senior counsel for
M/s.PV Law Associates

For Respondents: Mrs.D.Chitra Maragatham



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ORDER

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The respondent/tenant is the revision petitioner before this Court. He seeks to challenge the order passed by the Principal District Munsif, Thiruppur in I.A.No.8920 of 2023 in RCOP.No.6 of 2014, in and by which, the learned Judge had allowed the petition filed by the respondents herein to appoint an Advocate Commissioner to fix the fair rent for the petition mentioned building with the help of an Assistant Executive Engineer of the Public Works Department, Thiruppur.

2. The facts, which have culminated in filing of this Revision Petition is herein below set out:

2.1. The respondents/landlords had filed RCOP.No.6 of 2014 on the file of the Principal District Munsif, Thiruppur for fixation of fair rent of the schedule mentioned property at a sum of Rs.50,000/-, directing the petitioner/tenant to pay the arrears of rent for the 27 months, vacating the petitioner herein for committing wilfull default in the payment of rents.

2.2. The petitioner, in turn, had filed an application in Rent Control Proceedings for depositing the rents into court. Pending the proceedings,

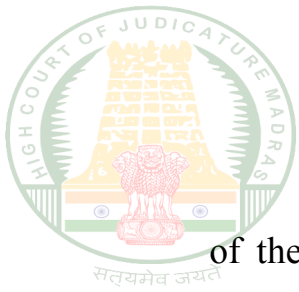


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the respondents/landlords have come forward with an interlocutory application for appointing an Advocate Commissioner to fix fair rent with the assistance of the Assistant Executive Engineer, Public Works Department.

2.3 In the affidavit filed in support of the said petition, the respondents would submit that the property had been leased to the petitioner on 17.09.2001 for monthly rental of Rs.2,000/- for the first ten years, thereafter for a sum of Rs.2500/- for the next ten years and at the rate of Rs.3500/- for the third ten years period. Therefore, the property has been leased out for a period of thirty (30) years commencing from 2001.

2.4. The respondents/landlords has however come forward to file the above rent control petition to fix fair rent. The respondents would also submit that the petitioner has defaulted in payment of rents from February 2012 onwards. They would submit that originally they had taken out an application to appoint the Revenue Inspector of Thiruppur Municipal Corporation as Commissioner for fixation of the rent. This Application was dismissed. The respondents/landlords now comes to learn that the fixation should be done by the Advocate Commissioner with the help of an official



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of the Public Works Department and therefore, they have come forward with the present petition.

2.5 The petitioner/tenant had filed a counter denying the allegations contained in the petition. The petitioner would submit that the evidence of PW1, PW2 and PW3 has been concluded and exhibits P.1 to P.16 had been marked. Thereafter the respondents/landlords had sought for recalling PW1 for marking a document and the application was allowed and PW1 was recalled and Ex.P.18 were marked and PW1 – plaintiff witness has also been cross examined. At this juncture, the application for appointing the Advocate Commissioner to fix the fair rent with the help of PWD has been taken out. The petitioner would also plead that in the main RCOP, the respondents/landlords have taken mutual destructive pleas in as much as they sought for fixation of fair rent as well as for eviction on the ground of default in payment of rent. He would also contend that the present petition is not maintainable.

2.6 The learned Judge, on hearing both sides, by order dated 15.02.2024, has proceeded to allow the application considering the fact that the petition is one that is filed for fixation of fair rent, for which, it is



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necessary to assess the market value and the value of the building which could be done only by taking the assistance of the Engineer of PWD. Therefore, the application was allowed. An Advocate Commissioner was appointed and he is directed to submit his report on 18.03.2024. Aggrieved by the same, the petitioner is before this Court.

3. It is informed by the counsel for the respondents that the Advocate Commissioner submitted a report and the inspection was done in the presence of both the parties.

4. The petition, being one for fixation of fair rent, it is necessary for both parties to submit evidence regarding the value of the property as set out in section 4 of the Tamil Nadu Building (Lease and Rent Controller) Act and this exercise has to be done by an Engineer. The Court below had appointed an Advocate Commissioner who has been directed to take the help of the Assistant Engineer of the PWD Department. It is also seen that the Commissioner so appointed has also duly executed his warrant. Therefore, I see no reason to entertain the Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. It is needless to state that it is open to the petitioner/tenant to cross examine the Advocate



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Commissioner and the Engineer. No costs. Consequently, the connected
CMP.No.6161 of 2024 is closed.

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msr

Index:yes/no

internet:yes/no

To

The Principal District Munsif Court at Tiruppur

P.T. ASHA.,J.

msr



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