



WEB COPY

CRP No.4979 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP No.4979 of 2025 and CMP No.25142 of 2025

M.Nagaraj

... Petitioner

Vs.

P.Ramachandran

... Respondent

Civil Revision Petition filed under Section 115 of Civil Procedure Code against the order and final order passed in E.A.No.1 of 2022 in EP No.195 of 2018 dated 05.04.2025 on the file of I Additional District Munsif Court, Coimbatore.

For Petitioner : Mr.S.Anbazhagan

For Respondent : Mr.N.Krishnakumar
For Mrs.T.R.Gayathri

ORDER

Heard Mr.S.Anbazhagan, learned counsel for the petitioner and
Mr.N.Krishnakumar, learned counsel for the respondent.

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2. The petitioner is the tenant. The petitioner challenges the dismissal of the application in E.A.No.1 of 2022 in EP No.195 of 2018 for appointment of an Advocate Commissioner for identifying the tenanted property.

3. Learned counsel for the petitioner submits that the petitioner is occupying S.No.562/2, whereas, the respondent/landlord does not have title for the said Survey Number. In this regard he takes me through the Sale deed which has been relied on by the respondent.

4.It is also the case of the learned counsel for the petitioner that the petitioner never admitted the jural relation of landlord and tenant and therefore, it would be just and necessary to identify the tenanted premises, as otherwise it would result in the petitioner being thrown out of a different property.

5. Per contra, learned counsel for the respondent/landlord would state that the very same contentions were raised before the Rent Control Courts upto this Court in the revision under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act and through out the case of the

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petitioner has found no merit and in fact, he would invite my attention to the order of this Court in CRP No.5 of 2019 dated 27.05.2022, where, the very same contentions regarding the identity of the property has been elaborately dealt with by this Court and already rejected.

6. I have considered the submissions made by the learned counsel on either side and have gone through the order impugned in the revision dismissing the application for Advocate Commissioner. As rightly pointed out by the learned counsel for the respondent, the issue of identity of the property is not raised for the first time in the execution petition. The very same question was raised even before the Rent Control Courts and re-agitated in the revision as well and this Court elaborately discussed the contention regarding the identity of the property and found that the tenant by his own admissions had admitted that he is a tenant in respect of the petition premises. .

7. In the light of the above, I do not see any requirement for appointment of Advocate Commissioner. The order of the Executing Court, dismissing E.A.No.1 of 2022 in EP No.195 of 2018 does not suffer any infirmity warranting interference.



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P.B.BALAJI.,J

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8. In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The Executing Court shall dispose of EP No.195 of 2018 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

29.01.2026

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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To

The I Additional District Munsif Court, Coimbatore

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