

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

C.R.P.(NPD).No.4214 of 2015

J.K.Govindarajulu

... Petitioner

Vs.

P.Srikumar (Deceased) (rep by his Power Agent K.Rajendran)

1.S.Suganthamani (rep by her Power Agent K.Rajendran)

2.E.Purushothaman

3.E.Padmavathy

4.Minor Divya Akshitha

rep by her grandfather E.Purushothaman

... Respondents

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decreetal order dated 22.06.2015 passed in E.A.No.52 of 2015 in E.P.No.67 of 2014 in R.C.O.P.No.227 of 2011 on the file of the Principal District Munsif, Coimbatore.

For Petitioner : Mr.N.Surya Senthil

ORDER

Challenging the fair and final order passed in E.A.No.52 of 2015 in E.P.No.67 of 2014 in R.C.O.P.No.227 of 2011 on the file of the Principal District Munsif, Coimbatore, the tenant has filed the above Civil Revision

Petition.

2.It is the case of the petitioner that the landlord filed R.C.O.P.No.227 of 2011 for eviction on the ground of willful default and on the ground of own use and occupation. The Rent Controller ordered eviction. Pursuant to the order passed in R.C.O.P.No.227 of 2011, the landlord filed Execution Petition in E.P.No.67 of 2014. During the pendency of the Execution Petition, the landlord had died. Therefore, the legal representatives of the deceased landlord filed an application in E.A.No.52 of 2015 to implead them as petitioners 2 to 5 in the Execution Petition. The tenant filed his counter disputing the averment stated in the affidavit filed in support of the application in E.A.No.52 of 2015. The Principal District Munsif, Coimbatore, taking into consideration the case of both parties, allowed the application. Though the petitioner contended that the petitioner has not impleaded all the legal representatives of the deceased landlord, he has not given the particulars as to the details of the legal representatives, who are left out. In the absence of concrete details given by the tenant, the Execution Court has rightly allowed the application.

3. In these circumstances, I do not find any error or irregularity in the orders passed by the Execution Court. The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs.

Index : No
Internet : Yes
va

08.12.2015

To

The Principal District Munsif,
Coimbatore.

M.DURAIWAMY,J.
va

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