



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2015

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (NPD) No.131 of 2015

and

M.P. (MD) No.1 of 2015

1. A.Samsudeen
2. Anwardeen
3. Ayishabeevi
4. Ummanna Beevi
5. Sabunnisha
6. Shameethisha .. Petitioners/Petitioners/
Respondents/Tenants

Vs.

Chellappan (died)
1. Sakunthala
2. Sivasakthi
3. Sivasankari
4. Sivakumar
5. Sivabalan .. Respondents/Respondents/
Petitioners/Third Party

Prayer: Petition is filed under Section 115 of the Code of Civil Procedure to set aside the fair and decreetal order dated 11.12.2014 passed by the District Munsif Court (Rent Controller), Palani in E.A.No.93 of 2014 in E.P.No.259 of 2002 in R.C.O.P.No.16 of 1982.

For Petitioners : Mr.T.Lenin Kumar

ORDER

The tenants, who were suffered with an order of eviction, is the revision petitioners. The Civil Revision Petition is directed against the order of dismissing the application to reopen the case in order to mark the document, wherein the original landlord had settled the property in favour of the fourth respondent herein. The execution petition in E.P.No.259 of 2002, after issuing notice to the tenants/petitioners herein, is posted for enquiry. On the said date, the petitioners herein did not appear before the Court. On 25.09.2013, it is posted for orders. At this stage, the present petition to reopen the case has been filed.



2. Heard the learned Counsel for the petitioners.

3. In the rent control proceedings, eviction has been ordered and the execution petition is levied by the landlord/respondents. During the pendency of the execution petition, the original landlord executed a settlement deed dated 13.06.2008 in favour of the fourth respondent. In order to mark the said document, E.A.No.93 of 2014 was filed to reopen the evidence. The said application was dismissed. The present Civil Revision Petition is filed against the said order.

4. The tenants/petitioners have been keeping quiet all along, have come up with the application to reopen at the belated stage. Meantime, the respondents also got an order of delivery of possession. The settlement deed dated 13.06.2008 in favour of the fourth respondent will not in any way prejudice any rights of the petitioners herein. Therefore, this Court finds no merits in this Civil Revision Petition, as no useful purpose would be served by marking the said document after delivery of possession is ordered. The order of dismissal passed by the District Munsif(Rent Controller), Palani, Dindigul District is perfectly correct and the same does not warrant any interference.

5. In fine, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif, (Rent Controller), Palani.

+1cc to Mr.T.Lenin Kumar, Advocate, in SR. No.4590.

C.R.P. (NPD) No.131 of 2015
and M.P. (MD) No.1 of 2015
02.02.2015

ssl

msm 19.02.2015 p2/3c