



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.251 of 2016 (PD)

and

C.M.P.(MD)No.1048 of 2016

Abdullah Hasan

.. Petitioner

Vs.

1.Rahamathullah

2.Marlia

.. Respondents

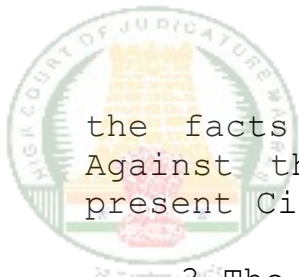
PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to call for the records relating to the fair and decretal order passed in I.A.No.353 of 2014 in R.C.O.P.No.127 of 2011, on the file of the I Additional District Munsif-cum-Rent Controller, Tiruchirappalli, dated 03.08.2015 and set aside the same by allowing this Revision Petition.

For Petitioner : Mr.R.Sundar Srinivasan

ORDER

This revision has been filed against the fair and decretal order passed by the I Additional District Munsif-cum-Rent Controller, Tiruchirappalli dated 03.08.2015 made in I.A.No.353 of 2014 in R.C.O.P.No.127 of 2011.

2.RCOP No.127 of 2011 has been filed by the first respondent against the second respondent for eviction of the property. During the trial, evidence of P.W.1 being recorded. The petitioner, who is the third party to RCOP and son of the first respondent, filed I.A.No.353 of 2014 for impleading himself as a party respondent on the ground that he is also in possession of the property. The second respondent contended that the petitioner is un-necessary party and has filed this petition only to drag-on the proceedings. The petitioner has filed this petition only at the instigation of the first respondent at the stage of the recording of evidence of first respondent. The learned I Additional District Munsif-cum-Rent Controller, Tiruchirappalli considering



the facts and circumstances, dismissed the I.A.No.353 of 2014. Against the said order, the petitioner has come out with the present Civil Revision Petition.

3.The learned counsel for the petitioner submitted that the petitioner is a necessary party. Suppressing the fact that the petitioner is also in possession of the property, the first respondent has filed the above RCOP with ulterior motive and the petitioner has every right to object the petition filed by the first respondent.

4.Heard Mr.R.Sundar Srinivasan, learned counsel appearing for the petitioner.

5. I have carefully perused the entire materials on record and arguments of counsel for the petitioner.

6.The petitioner has filed the I.A.No.353 of 2014 for impleading himself in the RCOP, when the evidence of first respondent/Landlord is completed and posted for evidence of second respondent/Tenant. The petitioner is the son of the respondents 1 & 2. In the circumstances, the contention of first respondent before Court that petition has been filed only with a view to drag on the proceedings is acceptable. The learned Rent Controller considering this fact has given valid reason to dismiss the petition and there is no irregularity in the said order warranting interference by this Court.

7.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

The I Additional District Munsif-cum-Rent Controller,
Tiruchirappalli.

+one cc to Mr.R.Sundar Srinivasan, Advocate in SR.NO.7090

AM

CSL/SKS-RR/16.02.2016/2P/3C

C.R.P (MD) No.251 of 2016 (PD)
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