



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.11.2016

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THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CIVIL REVISION PETITION (MD) (PD) No.1335 of 2011
and
MISCELLANEOUS PETITION (MD) No.1 of 2011

Ganapathy

.. Petitioner

vs

1.Kottilingam

2.Sundaram

3.Suriya Narayanan

.. Respondents

The Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 23.12.2010 passed in I.A.No.79 of 2010 in R.C.O.P.No.38 of 2009 on the file of First Additional Rent Controller(I Additional District Munsif), Tirunelveli.

For Petitioner

... Mr.M.P.Senthil

For Respondents

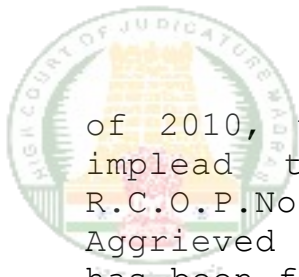
... Mr.H.Arumugam

O R D E R

The Civil Revision Petition has been filed against the fair and decretal order dated 23.12.2010 passed in I.A.No.79 of 2010 in R.C.O.P.No.38 of 2009 on the file of First Additional Rent Controller(I Additional District Munsif), Tirunelveli.

2.Heard the learned counsel for the revision petitioner and the learned counsel for the respondents and perused the materials available on record.

3.The revision petitioner herein filed R.C.O.P.No.38 of 2009 under Section 10 (2) (1) and 10 (2) (iv) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18/1960 on the file of the learned District Munsif, Tirunelveli seeking a direction to the respondents herein to vacate and hand over the vacant possession of the premises to the petitioner. Thereafter, the first and second respondents herein filed an interlocutory application in I.A.No.79



of 2010, under Order 1 Rule 10(2) and Section 151 of C.P.C to implead themselves as first and second respondents in R.C.O.P.No.38 of 2009 and the same was allowed on 23.12.2010. Aggrieved by the said order, the present Civil Revision Petition has been filed.

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4.The learned counsel for the petitioner submitted that the first and second respondents herein have no relationship as landlord/revision petitioner and the tenant and therefore, they are not necessary parties to R.C.O.P.No.38 of 2009. The Court below, without appreciating the contentions of the revision petitioner/landlord had erroneously allowed I.A.No.79 of 2010. Hence, the learned counsel prayed to allow the Civil Revision Petition by setting aside the order passed in I.A.No.79 of 2010.

5.The learned counsel for the respondents submitted that the revision petitioner herein is a landlord of the schedule mentioned premises, mentioned in the Rent Control Original Proceedings. After the death of first respondent's father, the first and second respondents running a shop in the schedule mentioned premises. Hence, according to them, the first and second respondents are the necessary parties to the Rent Control Original Petition, as they are the tenant in the schedule mentioned premises.

6.The learned counsel for the respondents further submitted that the said schedule mentioned premises is now in possession and occupation of the first and second respondents and therefore, any orders passed in the Rent Control Original Petition, will affect the first and second respondents, hence, they are the necessary parties to the Rent Control Original Petition.

7.The learned counsel for the petitioner requested that this Court may direct the learned 1st Additional Rent Controller to expedite the trial and to dispose of the Rent Control Original Petition as early as possible.

8.In view of the request made by the learned counsel for the petitioner, this Court directs the learned Rent Controller (1st Additional District Munsif), Tirunelveli to dispose of R.C.O.P.No.38 of 2009 on merits, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

9.Considering the reasons stated in the affidavit and in the light of the decision reported in 2013 (5) SCC 397 this Court is not inclined to interfere with the impugned order passed by the learned 1st Additional Rent Controller.

<https://hcservices.courts.gov.in/hcservices>
10.In the result, the Civil Revision Petition is dismissed. The order passed in I.A.No.79 of 2010 in R.C.O.P.No.38 of 2009, dated 23.12.2010 by the learned First Additional Rent Controller(I



Additional District Munsif), Tirunelveli is confirmed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

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/True copy/

Sd/-

Assistant Registrar(As)

Sub Assistant Registrar

To

1.The First Additional Rent Controller,
(I Additional District Munsif),
Tirunelveli.

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.H.Arumugam, Advocate SR.No.73623
+1cc to Mr.M.P.Senthil, Advocate SR.No.74159

cla

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C.R.P.(MD)No.1335 of 2011
Date: 28.11.2016