

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.407 of 2017
and C.M.P.No.1862 of 2017

Manivannan

.. Petitioner

-Vs.-

1. Alamelu Achi

2. D.Thiruvengadam

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order passed in E.A.S.R.No.22451 of 2016 in E.P.No.269 of 2016 in R.C.O.P.No.1709 of 2013 dated 3.12.2016 passed by the XV Small Causes Court, Chennai.

For petitioner ...Mr.A.Thiagarajan

O R D E R

This revision petition is filed by the petitioner-third party challenging the order rejecting to declare the execution petition filed in R.C.O.P.No.1709 of 2013, as null and void and illegal.

2. After obtaining an order of eviction on 30.09.2015 in the R.C.O.P, the petitioner-landlord has filed an execution petition. The revision petitioner, who is a third party claiming himself to be a sub tenant under the second respondent and running real estate business in the ground floor, has filed an application in E.A.S.R.No.22451 of 2015 under Section 47 of Civil Procedure Code to declare the execution petition, as null and void. The said application was rejected as not maintainable, against which, the above revision has been filed.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. The learned counsel for the petitioner states that the petitioner is a lawful tenant and if the execution petition is ordered, his rights will get affected. The petitioner is the third party so far as R.C.O.P.NO.1709 of 2013 is concerned and the said order of eviction is passed only as against the second respondent herein. If it is the claim of the revision petitioner that he is a sub tenant of the second respondent, he has got no legs to stand as a sub tenant under the Tamil Nadu Buildings and Lease Control Act. The present petitioner is not a party to the proceedings and he cannot even maintain the

application under Section 47 C.P.C. If he claims to be a sub tenant of the second respondent, he is also bound by the order passed by the Rent Controller. Hence, the rejection of the said application by the Rent Controller is correct and there is no reason to interfere with the same.

5. Accordingly the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2017

srn

To

The learned II Additional District Munsif,
Bhavani

PUSHPA SATHYANARAYANA.J

srn

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