



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2017

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P. (MD) No.1059 of 2017 and
CMP (MD) No.4708 of 2017

Thangadurai

... Petitioner

Vs.

1.Thanappan

2.Adheena Kartha

3.Dr.Balasundaram

... Respondents

PRAYER: This Civil Revision Petition 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.622 of 2016 in O.S.No.79 of 2013 dated 14.02.2017, on the file of Principal District Munsif Court, Nagercoil, and to set aside the same as illegal.

For Petitioner : Mr.B.Saravanan

For Respondents : No Appearance

ORDER

This 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.622 of 2016 in O.S.No.79 of 2013 dated 14.02.2017, on the file of the Principal District Munsif Court, Nagercoil, and to set aside the same as illegal.

2.Heard the learned counsel for the revision petitioner. No representation for the respondents.

3.This Revision Petition is directed against the order passed by the trial Court in I.A.No.622 of 2016 in O.S.No.579 of 2013, plaintiff in the suit is the revision petitioner herein. The suit was filed on the premise that the plaintiff revision petitioner is the tenant under the second defendant, who is now refusing to receive the rent and try to evict him forcibly and therefore permanent injunction is sought against the defendant from evicting the plaintiff forcibly from the suit schedule property.

4.The defendant filed the written statement categorically denying the Landlord - tenant relationship and the case is pending for the past three years. While so, the plaintiff has filed I.A.No. 622 of 2016 seeking direction of the Court to deposit the



rent.

5.The Trial Court after considering the merits of the petition and the counter filed by the defendant has held that, when the relationship of Landlord tenant itself is under dispute and the subject matter of the suit. Further when the defendants are not inclined to accept the rent tendered by the plaintiff/petitioner which may tantamount to recognise the relationship of the Landlord tenant, there is no necessity to permit or direct the plaintiff petitioner to deposit the rent.

6.Aggrieved by the said order, the revision petitioner seeks indulgence of the Court to interfere with the order of the Trial Court and permit to him to deposit the rent. It is contended by the learned counsel for the revision petitioner that, till 2013 for the pasali year, 1422, the second defendant has received the rent and issued receipt for the same. While so, there is no bonafide reason for them to refuse to receive the rent.

7.On perusal of the record indicates, that the Landlord has not recognized the plaintiff/revision petitioner as their tenant. The alleged receipts issued in the name of the Landlord is also contended to be forged document prepared in collusion with some of the persons managing the office of the defendants Aathinam. While so, the application filed by the revision petitioner after three years from instituting the suit with the innocuous prayer to accept the rent itself shows with some ulterior intention and to create privity of contract as Landlord and tenant.

8.Therefore, this Court is not inclined to entertained this Civil Revision Petition. Hence, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif,
Nagercoil.

+ 1 CC TO Mr.B.SARAVANAN, ADVOCATE IN SR No. 58752

MM/DSK

TE/KKR/SAR-I : 21/06/2017 : 2P/3C

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