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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.04.2017
CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

C.R.P (MD) (NPD) No. 701 of 2017
and
C.M.P. (MD) No. 3155 of 2017

Sasikumar .. Petitioner/Petitioner/
3rd Party
Vs.

1. AR. Valliammai represented
by her Power Agent AR. Lakshmanan
.. 1st Respondent/1st Respondent/Petitioner

2. Janani Cable Networks Private Limited
No. 14D, Stop Street,
Venkarapuram,
Ambattur,
Chennai and Branch at
New Door No. 4, Lakshmi Illam,
Subramaniapuram 2nd Street,
Karaikudi,
Sivagangai District .. 2nd Respondent/2nd Respondent/
Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code to set aside the fair and decreetal order dated 19.01.2017 passed in E.A.No.106 of 2017 in E.P.No.13 of 2016 in R.C.O.P.No.17 of 2013 on the file of the Principal District Munsif cum Judicial Magistrate Court, Karaikudi.

For Petitioner : Mr. C. Jeyaprakash

ORDER

This revision petitioner has filed of E.A.No.106 of 2017 before the Execution Court under Section 47 and 151 of CPC, alleging that he was in real occupation of the premises as a tenant and the landlord, who is aware of the existence of the petitioner in the petition premises without impleading him as a party has obtained an eviction order against the second respondent, namely, Janani Cable Networks Private Limited, Karaikudi, and therefore, sought for dismissal of the Execution Petition No.13 of 2016 in R.C.O.P.No.17 of 2013.

<https://hcservicescourts.mca.gov.in/hcservices/>

2. The Trial Court after considering the plea and the objection raised by the landlord as well found that the revision



petitioner herein is only a tenant, under the second respondent, viz., Janani Cable Networks Private Limited, without the knowledge of the landlord. Since there is no contract between the revision petitioner and the landlord, he has no *locus standi* to contest the Execution Petition.

3. The learned counsel for the revision petitioner submitted that in the petition premises, the revision petitioner is running business under the name and style of one Janani TV and it is known to the landlord. In support of his submission, he has relied upon the application of enrollment of Private Local Channel made by the petitioner, to Government Cable TV Corporation and his agreement between one Saibaba Vision Organisation and Tamil Film producers counsel wherein, he has entered into an agreement under the name of "Janani TV" carried out by Private Local Channel business, at No.4, Lakshmi Illam, Subramaniamapuram, II street, Karaikudi and also the agreement which he has entered into with one Channel Vision. Relying upon these documents, the learned counsel for the revision petitioner submitted that these documents clearly show that the petitioner is running cable TV business in the petition premises and he has now been facing eviction by virtue of collusive order obtained by the landlord without impleading him as a party.

4. When the learned counsel for the revision petitioner is directed to produce the evidence to show that he was the tenant under the respondent, he is unable to produce any document, except the document referred to above. All these documents only indicates that he is carrying on business under Government Cable TV Corporation. The second respondent viz., Janani Cable Networks private limited, Karaikudi has contested R.C.O.P.No.17 of 2013 proceedings, and the same has culminated in the order dated 3rd September 2014 based on the undertaking given by the tenant that he will vacate the premises within 18 months from the date of order.

5. Since, the tenant has failed to vacate the premises as per his undertaking, Execution Petition in E.P.No.13 of 2016 has been filed by the landlord after the expiry of 18 months. Pending execution proceedings, now, the present revision petitioner claiming himself to be the tenant in the petition premises filed E.A.No.106 of 2017 before the Court. The Execution Court after considering his petition has found that there is no privity of contract between the tenant and the landlord and if at all, he is only a tenant, under the main tenant who has been arrived as the second respondent, in the present E.A. Having held so, the Court dismissed the petition filed under Section 47 and 151 of CPC. The original tenant has already been represented and given an undertaking to vacate the premises by 18 months and failing to do so, leading to the filing of the Execution Petition. The Revision Petitioner who is a sub-tenant under the original tenant/judgement debtor has no better claim or right than the original tenant/judgement debtor.



6.This Court finds no error in the order passed by the Execution Court. For the documents relied by the revision petitioner it could be easily seen that the judgement debtor has set up this revision petition to delay the execution.

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7.Therefore, this Court finds that there is no merits in the revision and same is dismissed on merits. Consequently, connected Miscellaneous Petition has also closed. No Costs.

Sd/-

Assistant Registrar(C)

/True Copy/

Sub-Assistant Registrar

To

Principal District Munsif cum Judicial Magistrate ,
Karaikudi.

Copy to:-

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai

+One cc to Mr.C.Jeyaprakash, Advocate, SR.No.50620

sss/mm

RL/4C/3P/RR/SAR2/28.4.2017

ORDER MADE IN

C.R.P (MD) (NPD) No.701 of 2017
and
C.M.P. (MD) No.3155 of 2017

06.04.2017