

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD). No.1232 of 2018
and C.M.P.No.6296 of 2018

P.Anandrajbabuji ... Petitioner

Vs.

M.Lakshmanan ... Respondent

Prayer: Civil Revision Petition is filed under Section 227 of Constitution of India, praying to call for the records relating to R.C.O.P.No.2257 of 2012 on the file of XVI Small Causes Court, Chennai and struck off from the file.

For Petitioner : Mr.Jagannathan

For Respondent : M/s.K.Banumathi

ORDER

The prayer sought for in the revision petition is to call for the records relating to R.C.O.P.No.2257 of 2012 on the file of XVI Small Causes Court, Chennai to struck off.

2. The respondent herein filed a petition in R.C.O.P.No.2257 of 2012 on

the file of the Small Causes Court, Chennai against the revision petitioner for

eviction. In that application, the revision petitioner resisted the Rent Control proceedings.

3. During the pendency of the R.C.O.P.No2257 of 2012, the revision petitioner filed a petition in M.P.No.354 of 2016 to implead one T.M.Boopathy as one of the respondent to the said proceedings in R.C.O.P.No.2257 of 2012. After giving opportunity, the Rent Controller dismissed the application.

4. Aggrieved against the said order of the Rent Controller, the revision petitioner is before this Court.

5. The learned counsel for the petitioner would submit that one T.M.Boopathy filed a suit against the present revision petitioner in O.S.No.1491 of 2015 on the file of XVIII Assistant City Civil Court, Chennai in which he obtained an order of injunction against them. Wherein an Advocate Commissioner was also appointed to identify the lands, due to some dispute in the title between the parties. The advocate Commissioner has filed a report. Since Boopathy got the order of Injunction against the revision petitioner and the respondent, the revision petitioner filed an application in M.P.No.354 of 2016 before the Rent Controller to implead one P.Boopathy as one of the respondent in R.C.O.P.No.2257 of 2012. The Rent Controller dismissed the application on the ground that the issue raised in the main R.C.O.P is whether the petitioner herein has committed willful default, act of waste and whether

the requirement of the petition premises for demolition by the first respondent is bonafide or not? the same can be decided on merits based on the oral and documentary evidences would be produced by both parties and for which the proposed party/2nd respondent is not a necessary party and hence dismissed the I.A.No.354 of 2017.

6. Heard both sides and perused the materials available on record.

7. The learned counsel for the petitioner would submit that in earlier occasion, the revision petitioner filed similar application in M.P.No.222 of 2015 that was dismissed by the Rent Controller and the said order was not challenged. Once again the present revision petitioner filed M.P.No.354 of 2017 for impleading the proposed party as second respondent. The Rent Controller dismissed the application on the ground that the proposed party is neither a proper party nor the necessary party to the eviction proceedings.

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P.VELMURUGAN, J.,

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Admittedly, the revision petitioner /respondent has not denied the same in the counter regarding the relationship of landlord and tenant and he has not raised any dispute with regard to title of the landlord in the counter statement.

8. Under these circumstances, as recorded by the Rent Controller, Boopathy/proposed party is neither a necessary party nor a proper party to decide the R.C.O.P.No.2257 of 2012 even without his presence in the eviction proceedings an effective decision can be arrived. Therefore, this Court finds that there is no irregularity or infirmity in the order passed by the Rent Controller and finds no merits in the revision petition.

9. In the result, the revision petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

20.06.2018

Index:Yes/No

Speaking order / Non speaking order

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To

The XVI Small Causes Court,
Chennai.