

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(NPD).No.353 of 2015,
C.M.P.Nos.17307 & 20233 of 2017
and M.P.No.2 of 2015

Sriramulu (Died)
Kumar

... Petitioner

Vs.

C.P.Thiruvengadam (Died)
T.Gayathri

... Respondent

Prayer: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, praying to set aside the fair and decretal order dated 12.01.2015 passed in E.P.No.336 of 2014 in R.C.O.P.No.1080 of 2000 on the file of the XI Assistant Small Causes Court, Chennai.

For Petitioner : Mr.R.Anand Kumar,
No appearance

For Respondent : Mr.M.Madhan Kumar

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The relief sought for in this revision is to set aside the fair and decretal order dated 12.01.2015 passed in E.P.No.336 of 2014 in R.C.O.P.No.1080 of

2000 on the file of the XI Assistant Small Causes Court, Chennai.

2. There is no representation on behalf of the revision petitioner. The respondent counsel is present and argued the matter.

3. According to the learned counsel for the respondent that the land lord of the subject property, insisted to file the petition for eviction against the predecessor of the revision petitioner in R.C.O.P.No.1080 of 2000 on the file of the XI Small Causes Court, Chennai. After the decree, the predecessor of the revision petitioner filed the R.C.A that was subsequently dismissed for default.

4. The respondent filed the execution petition before the Execution Court in E.P.No.336 of 2014 in R.C.O.P.No.1080 of 2000 for delivery of property. In that petition, the revision petitioner filed the counter and resisted the Execution proceedings. The Execution Court after considering the facts and circumstances passed an order for delivery of property. Feeling aggrieved against the order passed by the E.P.Court, the Revision petitioner is the legal heir of the tenant is before this Court.

5. The main contention raised by the revision petitioner is that since the decree was against the predecessor, they were not aware of the R.C.A. Since, they are not aware of the proceedings, filed Execution proceedings by the death person, this has been not considered by the E.P.Court, hence, the present revision.

6. On a perusal of the records, the Rent Controller passed the Decree for eviction against the Predecessor of the Revision petitioner. Though the respondent filed the Execution proceedings, the E.P.Court ordered for delivery of property and not accepted the contentions raised by the revision petitioner. Even though, the Execution petition filed against the dead person, since the relationship between landlord and the tenants not in dispute and also the order of eviction was confirmed. The petitioner is not in the possession of the disputed premises as on date.

7. Under these circumstances, the order passed by the Rent Controller has attained finality. Hence, this Court finds there is no illegality or irregularity in the order passed by the E.P.Court and finds no merits in the revision petition.

P.VELMURUGAN, J.,

vum

8. In the result, the Civil Revision petition is dismissed. Consequently, the connected Miscellaneous petitions are closed. No costs.

14.06.2018

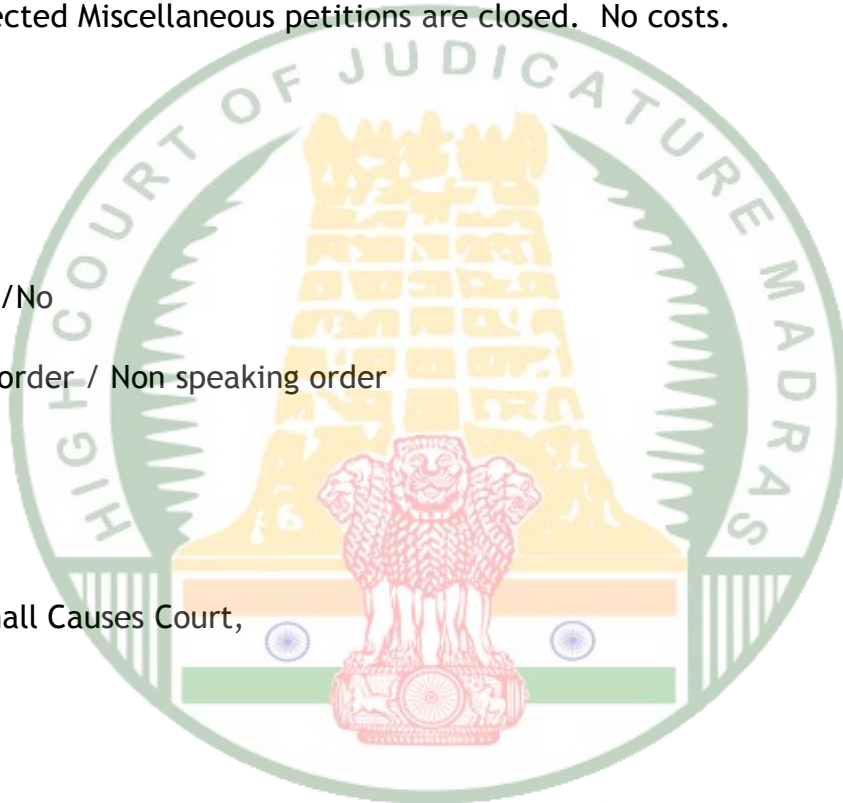
Index:Yes/No

Speaking order / Non speaking order

vum

To

The XI Small Causes Court,
Chennai.



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