



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No.933 of 2014

and

M.P. (MD) No.1 of 2014

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Subbiah : Petitioner / Petitioner/3rd Party

vs.

1.Akilandam : 1st Respondent/1st Respondent/
Petitioner

2.Ramakrishnan : 2nd Respondent/ 2nd Respondent/
Responden

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order passed in I.A.No.5 of 2013 in R.C.O.P.No.2 of 2011 dated 04.11.2013 on the file of the Principal District Munsif cum Judicial Magistrate Court, Nanguneri.

For Petitioner : Mr.H.Arumugam
For R-1 : Dismissed
For R-2 : Mr.I.Vel Pradeep

ORDER

This Civil Revision Petition is filed by a third party to a proceeding for eviction in R.C.O.P.No.2 of 2011 on the file of the Principal District Munsif cum Judicial Magistrate Court, Nanguneri.

2.The brief facts that are necessary for the disposal of this civil revision petition are as follows:

The first respondent herein filed R.C.O.P.No.2 of 2011 against the second respondent herein for eviction on the ground of owners' occupation. It appears that the property which belonged to the first respondent was transferred in favour of the revision petitioner on 29.04.2013 during pendency of eviction petition for valid consideration. On the basis of the sale deed obtained by the revision petitioner, the revision petitioner filed an application in I.A.No.5 of 2013 in R.C.O.P.No.2 of 2011 to implead himself as a party to the petition for eviction. This Petition was dismissed by the lower Court relying upon the judgment of this Court reported in 2011-4-L.W.891.

3.Law is settled that the cause of action for the landlord to file a petition for eviction on the ground of owners' occupation does not survive to the subsequent purchaser. In other words, a



third party purchaser subsequent to eviction proceeding, cannot prosecute the application for eviction on the ground of owners' occupation. Further law is also settled that the Court can always take into account subsequent event under Order 7 Rule 7 CPC even in cases of Rent control Proceedings.

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4. In the above circumstances, this Court finds that there is no merit in the Civil Revision Petition. Be that as it may, the learned counsel appearing for the revision petitioner states that the parties have entered into a compromise after the filing of the Civil Revision Petition and that possession has been handed over to the revision petitioner by the tenant. This Submission could not be confirmed by the learned counsel appearing for the second respondent.

5. Accordingly, while dismissing the Civil Revision Petition this Court makes it clear that this will not affect the revision petitioner in case the revision petitioner has taken possession of the premises by compromise entered into between the parties. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar (Lok adalat/
Mediation & Conciliation)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif cum
Judicial Magistrate Court,
Nanguneri.

+1cc to Mr. H. Arumugam, Advocate in SR. No. 67415
CP
MK/KKR/SAR 2/05.07.2018/2P/3C

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