



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2018

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARANC.R.P. (MD).Nos. 2151, 2152 and 2179 of 2017
and C.M.P. (MD) Nos. 10622, 10623 & 10692 of 2017**C.R.P. (MD).No. 2151 of 2017:**K. Krishnamoorthy : Petitioner/1st Respondent/Petitioner**Vs.**1. Vaithilingam Chettiar represented
through his Power Agent
Muthaiyan
S/o.Vaithilingam Chettiar: Respondent/Petitioner/
Proposed Party

2. Ramanathan

: Respondent/2nd Respondent/Tenant**C.R.P. (MD).No. 2152 of 2017:**

K. Krishnamoorthy

.. Petitioner

Vs.1. Vaithilingam Chettiar represented
through his Power Agent
Muthaiyan
S/o.Vaithilingam Chettiar: Respondent/Petitioner/
Proposed Party

2. Kemaraj @ Kamaraj

: Respondent/2nd Respondent/Tenant**C.R.P. (MD).No. 2179 of 2017:**

K. Krishnamoorthy

: Petitioner/1st Respondent/Petitioner**Vs.**1. Vaithilingam Chettiar represented
through his Power Agent Muthaiyan
S/o.Vaithilingam Chettiar:Respondent/Petitioner/
Proposed Party



2. Chidambaranathan

: Respondent/2nd Respondent/Tenant

PRAYER in C.R.P. (MD).No. 2151 of 2017 : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal Order dated 01.07.2017 in I.A.No.465 of 2015 in R.C.O.P. No.3 of 2014 passed by the learned District Munsif, Musiri, with cost.

PRAYER in C.R.P. (MD).No. 2152 of 2017 : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal Order dated 01.07.2017 in I.A.No.467 of 2015 in R.C.O.P. No.4 of 2014 passed by the learned District Munsif, Musiri, with cost.

PRAYER in C.R.P. (MD).No. 2179 of 2017 : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal Order dated 01.07.2017 in I.A.No.463 of 2015 in R.C.O.P. No.2 of 2014 passed by the learned District Munsif, Musiri, with cost.

For Petitioner : Mr. R.Singaravelan, Senior Counsel
for Mr.D.Selvanayagam in all CRPs.
For Respondent-1 : No Appearance in all CRPs.
For Respondent-2 : Mr.P. Ganapathi Subramanian in all CRPs.

O R D E R

The petitioner, who is a landlord of the properties, has come forward with these Civil Revision Petitions, seeking to set aside the Fair and Decreetal Order dated 01.07.2017 passed in I.A.Nos.465, 467 and 463 of 2015 in R.C.O.P. Nos.3, 4 and 2 of 2014 by the learned District Munsif, Musiri, thereby allowing the proposed party / 1st respondent herein to contest the matters

2. It is the case of the revision petitioner that Vaithilingam Chettiyar represented by its Power Agent V.Muthaiyan / 1st respondent herein had filed applications before the District Munsif Court, Musiri, seeking to implead him in the RCOP proceedings, which were allowed by the Trial Court, by an order dated 01.07.2017. Aggrieved over the same, the revision petitioner has come forward with these Civil Revision Petitions.

3. It is the case of the revision petitioner that the revision petitioner and the said Vaithilingam Chettiar are brothers and his brother has been claiming ownership of the property. Although there was a settlement between the parties and the properties were also partitioned among themselves, pursuant to



which, the properties are being owned by the petitioner. However, the third party, claiming to be owners of the properties, had sought for impleadment in both the RCOPs, which were allowed by the Trial Court without appreciating the factual matrix.

4. When these matters came up for hearing before this Court on 02.07.2018 and 18.06.2018, this Court had directed the second respondent/tenant to deposit the rental arrears from the date of filing of respective RCOP proceedings till 18.06.2018 on or before 27.06.2018.

5. The learned counsel for the second respondent/tenant has submitted that In obedience to the above direction, the Tenants had already paid the entire arrears from the date of filing RCOPs till 18.06.2018 and also filed a memo along with the deposit chellan in proof thereof.

6. Heard the learned Senior counsel for the petitioner and the second respondent.

7. The learned Senior counsel appearing for the petitioner has submitted that the proposed party, who was impleaded in the RCOPs died and therefore, a direction may be issued to the Trial Court to expedite the trial in the RCOPs and the petitioner may be permitted to withdraw the amount deposited by the Tenants in the RCOPs.

8. At this juncture, it was represented by the learned counsel for the second respondent / tenant that pursuant to the death of the proposed party, the legal heirs of the said party may be impleaded as parties to RCOPs. This Court is not in agreement with the arguments advanced by the second respondent, as it is for the legal heirs of the proposed party to get themselves implead as parties in the RCOPs and this Court cannot go into the said issue at present.

9. In view of the foregoing discussions and observations, these Civil Revision Petitions are disposed of, with the following directions:

i) the learned District Munsif, Musiri is directed to dispose of the RCOPs within a period of two months from the date of receipt of a copy of this order without giving any adjournments to either parties and the parties are directed to give their fullest cooperation for early disposal of the RCOPs.

ii) the learned District Munsif, Musiri is further directed to permit the landlord to withdraw the amount deposited by the second respondent/tenant without filing any formal application;

iii) the second respondent/tenant is also directed to deposit the future monthly rent on or before 10th of every succeeding English Calendar month till the disposal of the RCOPs.



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No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-III)

To:

The District Munsif,
Musiri.

+ 3 CC TO Mr.D.SELVANAYAGAM, ADVOCATE IN SR No. 70714 to 70716

KSA
TE/RSK/SAR-3 : 11/08/2018 : 4P/5C

C.R.P. (MD) .Nos. 2151, 2152 and
2179 of 2017
02.07.2018