



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

C.R.P (MD) No.2367 of 2017 (PD)
and
C.M.P. (MD) .No.11357 of 2017

A.Thandayudhapani

.. Petitioner /
Petitioner/ Respondent

Vs.

R.K.S.Rajaram Naidu

... Respondent /
Respondent / Appellant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order, dated 18.09.2017, passed in I.A.No.16 of 2017 in C.M.A.No.13 of 2016 by the learned Principal Subordinate Judge, Dindigul.

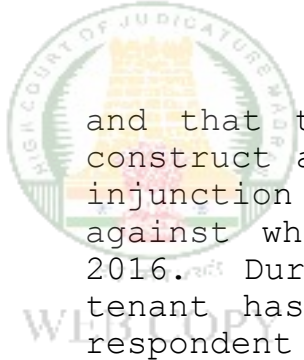
For Petitioner : Mr.M.Thirunavukkarasu
For respondent : Mr.D.Selvaraj

ORDER

This civil revision petition has been filed by the revision petitioner / plaintiff challenging the order, dated 18.09.2017, passed in I.A.No.16 of 2017 in C.M.A.No.13 of 2016 by the learned Principal Subordinate Judge, Dindigul.

2.The brief facts, which are necessary to decide the present civil revision petition, are as follows:-

The respondent herein / landlord has filed a suit in O.S.No.296 of 2016 for permanent injunction restraining the revision petitioner / tenant from making construction on the suit property. According to the respondent / landlord, the suit property, which was a vacant land, has been dedicated to the deity Sri Soundararaja Perumal and the same has been rented out to the revision petitioner / tenant for Rs.8,000/- per month and based on the said amount, the Mandagapadi festival and other services are being done to the deity and as per the agreement, the revision petitioner / tenant has failed to vacate the land after completion of three years and also failed to pay rent



and that the revision petitioner / tenant has also attempted to construct a building illegally in the suit property. The temporary injunction sought for by the respondent / landlord was dismissed, against which the respondent / landlord has filed C.M.A.No.13 of 2016. During the pendency of the same, the revision petitioner / tenant has filed I.A.No.16 of 2017 seeking a direction to the respondent / landlord to produce the death and legal heir certificates of his ancestors. That application was dismissed by the Court below holding that the the relief sought for will no way help to decide the civil miscellaneous appeal. Aggrieved by that order, the revision petitioner / tenant has filed the present civil revision petition.

3. The learned counsel for the revision petitioner / tenant would submit that the respondent and the revision petitioner's wife viz., Janapal are own brother and sister, who are legal heirs of Krishnasamy and as per the family arrangement, the subject property as a vacant site was rented out in the year 1991 and he was never inducted under the respondent and that the respondent has no locus standi to file the above suit claiming exclusive management and in order to prove the same, the legal heir certificates of the respondent's ancestors are necessary, but the Court below without considering the same has dismissed the said interlocutory application. Thus, he prayed to allow the civil revision petition.

4. The learned counsel appearing for the respondent / landlord would submit that the revision petitioner being a tenant has no locus standi to question the title of the property and he is also not entitled to question about the management of the property. He would further submit that the documents which sought to be produced will no way useful to decide the matter in the appeal and therefore, the Court below has rightly dismissed the said interlocutory application. Thus, he prayed to dismiss the civil revision petition.

5. Heard the learned counsel for the revision petitioner and the learned counsel for the respondent and perused the materials available on record.

6. Admittedly, the revision petitioner is a tenant and his tenancy has not been disputed. It is a settled principle that the tenant cannot dispute the title of the landlord under whom he became a tenant. It is the contention of the respondent that the revision petitioner is not paying the rent regularly and attempting to construct a building in violation of the rental agreement. According to the revision petitioner, he has only renovated the building. As rightly held by the Court below, the documents which sought to be produced will no way helpful to decide the matter in the civil miscellaneous appeal. This Court does not find any reason to interfere with the order passed by the Court below.



7. In view of the above, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge,
Dindigul.

2. The Record Keeper, (Two Copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO M/S.M.THIRUNAVUKKARASU, ADVOCATE, SR NO.51353

+1CC TO M/S.D.SELVARAJ, ADVOCATE, SR NO.51178

order made in
C.R.P (MD) No.2367 of 2017 (PD)
26.02.2018

gcg

MS/GT/SAR-2/20.03.2018/3P.6C