



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P (NPD) (MD) .No.2162 of 2018

and

C.M.P (MD) .No.9576 of 2018

Kulalar 19 Paer Manai Sangam,
Kulalar Palayam, Bodinayakanur Town,
Bodinayakanur Circle, Theni District,
Through its President R.Murugadoss

... Petitioner/1st Respondent

Vs.

1.K.Vairavan

Bodinayakanur Kulalar Jathipothumai,
through its President

2.L.Palaniyappan

Bodinayakanur Kulalar Jathipothumai,
through its Secretary

3.R.Murugan

Bodinayakanur Kulalar Jathipothumai,
through its Treasurer

4.M.Rajalingaraja

Bodinayakanur Kulalar Jathipothumai,
through its Member

....1 to 4 Respondent/

1 to 4 Respondent/Petitioner

5."IND.53, Bodinayakkanur Potters,

Co-operative Production and Sale Society Ltd.,
through its President

...5th Respondent /5th Respondent/
2nd petitioner

Prayer : Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 03.07.2018 passed in RCA.No.2 of 2016 in I.A.No.6 of 2016 in RCOP.No.1 of 2004 on the file of the Subordinate Court, Theni and allow this Civil Revision Petition.

For Petitioner

: Ms.M.Parameswari

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents

: Mr.P.Thiagarajan

ORDER

The revision petitioner herein filed RCOP.No.1 of 2004 before the learned Rent Controller, Podinayakanur for evicting the fifth respondent herein. In the said RCOP, I.A.No.6 of 2016 was filed for impleading the respondents 1 to 4 herein. The learned Rent Controller chose to allow the said impleading application. The correctness of the said order was questioned in RCA.No.2 of 2016 at the instance of the revision petitioner. RCA was dismissed on 03.07.2018. Challenging the same, this Civil Revision Petition has been filed.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the contesting respondents placing reliance on the decision of the Hon'ble Andhra Pradesh High Court in (T.Mallikarjunarao Vs. A.Radhakrishna Murthy) reported in 1988 1 APLJ 571 contended that an application for impleading under Order 1 Rule 10(2) CPC is very much maintainable, even in a Rent Control proceedings. This is for the reason that there is no embargo or prohibition in the Rent Control Act. The Rent Controller as well as the Appellate Authority thought it fit to permit the respondents 1 to 4 herein to get themselves impleaded as they seriously questioned the title of the revision petitioner herein over the petition mentioned in the suit property. Of course, the learned Rent Controller is not competent to give any finding with regard to title. The learned Rent Controller will not have any jurisdiction to decide the title. The rival claims lodged before the Rent Controller with regard to who is the landlord, may have to be ultimately determined only in the civil forum. But then a person wrongly claiming himself as a landlord cannot be allowed appropriate the rentals. Therefore, a person having a rival claim cannot be shut out. Therefore, I sustain the order passed by the authority below permitting the respondents 1 to 4 to get themselves impleaded in the RCOP.

4. In that view of the matter, the order of the Court below is sustained. This Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)



To

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The Subordinate Judge,
Theni .

- 1 CC TO Mr.P.Thiagarajan, ADVOCATE IN SR No. 92765.
- + 1 CC TO Mr.S.M.S.JOHNY BHASHA , ADVOCATE IN SR No. 91901.

RMK

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