



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2018

CORAM :

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

C.R.P. (NPD) (MD) No.812 of 2013

and

M.P. (MD) No.1 of 2013

A.M.Syed Sulthan Beevi

:Petitioner

vs.

1.L.T.Sundarajan

2.O.M.H.Fazul Hameed

: Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, against the order of rejection order of the learned District Munsif, Madurai Town, in unnumbered E.A.No. of 2013 (5695) in E.P.No.187 of 2007 in R.C.O.P.No.21 of 2005, dated 18.04.2013.

For Petitioner : Mr.K.N.Thampi

For Respondents : No Appearance

### ORDER

This civil revision petition has been filed by a third party to the proceedings, challenging the order passed by the learned District Munsif, Madurai Town, rejecting the petition filed by the revision petitioner, under Order 21 Rule 97 and 98 of CPC.

2.The petitioner has filed the petition, as a third party, stating that he in possession and enjoyment of the disputed property, as a tenant, under the landlord. It is seen that the first respondent / landlord has filed a petition for eviction in R.C.O.P.No.21 of 2005, before the Rent Controller-cum-Additional District Munsif Court, Madurai. Pursuant to the order of eviction in R.C.O.P.No.21 of 2005, the landlord filed execution petition in E.P.No.187 of 2007. When the Court Amina inspected the property, it appears that the civil revision petitioner has raised some objections for taking delivery, stating that he is the person, who is absolutely in possession and enjoyment of the suit property as tenant under the landlord. In these circumstances, he filed a petition under Order 21 Rule 97 of CPC. The said petition was dismissed earlier without even numbering it and it is not in dispute that the lower Court has doubted the case of revision petitioner and rejected the contention that he is the tenant under the landlord. This was order passed on 29.07.2008.



3.It was thereafter, another application was filed in 2008 and the said petition was also dismissed, summarily, on the ground that the earlier application filed by the same petitioner had already been dismissed. Once again, the petitioner has filed a similar petition and the Courts below rejected the application without numbering the same and one of the grounds for rejecting the application is that the petition filed by the petitioner earlier was rejected summarily and that therefore, the petitioner cannot seek similar relief and that the petition is not maintainable. Aggrieved by the same, the above civil revision petition has been filed.

4.Sum and substance, the petitioner is not entitled to maintain successive petitions on the same cause of action. When the Court has rejected the application filed by the revision petitioner, holding that the petitioner has not established his right as a person, who is in possession as tenant, under the landlord. The said order declaring the status of the petitioner has become final. Without challenging the same, the petitioner has filed petition after petitions under Order 21 Rule 97 CPC, unmindful of the legal consequences of the earlier dismissal order, dismissing the petition filed by the petitioner under Order 21 Rule 97 CPC. In these circumstances, this Court do not find any merits in this petition.

5.Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1.The District Munsif,  
Madurai Town.

2.The Section Officer,  
Vernacular Records, (2 Copies)  
Madurai Bench of Madras High Court,  
Madurai.

+1CC to Mr.K.N.Thampi, Advocate in SR.No.62820.

CMR

DS/SV/MMS/SAR-2 :21.05.2018: 2P/5C

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