

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.1318 of 2019

and

CMP.No.8681 of 2019

R.Thangamani

... Petitioner

Vs.

1.R.Ravindran

2.R.Rajakumar

3.R.Narayanan

4.Indra Mohini

5.Geetha Chandramohan

6.R.C.Badrinath

7.Javanthi Singaram

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decretal order dated 02.01.2019 passed in M.P.No.351 of 2017 in R.C.O.P.No.293 of 2017 on the file of X Small Causes Court, Chennai.

For Petitioner

: Mr.M.Ashok Kumar

For Respondents

: Mr.R.Malaichamy [for RR1, 3 to 5]

Mr.P.B.Ramanujam [for RR6 & 7]

ORDER

The Civil Revision Petition is directed against the order passed in the impleading petition in M.P.No.351 of 2017 in R.C.O.P.No.293 of 2017 on the file of X Small Causes Court, Chennai dated 02.01.2019.

2. According to the petitioner, she is the only legal representative in respect of the tea shop run by her father and after his demise, her mother has taken care of the shop and she died on 06.04.2017. Even during the lifetime of her mother, license was transferred in the petitioner's name and therefore, she is the only legal heir in respect of the commercial premises leased out by the landlord. The Rent Controller without considering the facts has impleaded all the legal representatives in respect of the petitioner premises.

3. Per contra, the learned counsel for the respondent would contend that they impleaded legal representatives continuously associated with the business and as such they are also legal representatives of original tenant. They have entrusted the tea shop to be run by the petitioner and that will not entitle her to claim exclusive right over the business. Since they are all associated, they also should be considered as legal heirs of original tenant. Considering all these points, the trial Court has allowed the petition.

3. Whether the parties are associated with the business or not has to be proved before the trial Court. I do not find any infirmity in the order of the trial Court since no material is produced before this Court for division of status.

4. In the result, the Civil Revision Petition filed against the order of the trial Court in M.P.No.351 of 2017 in R.C.O.P.No.293 of 2017 dated 02.01.2019 is dismissed as there is no merit for consideration. The question of tenancy shall also be decided as an issue while trying the Rent Control Proceedings. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2019

bri

Index:Yes/No
Internet:Yes/No
Speaking Order/Non Speaking Order

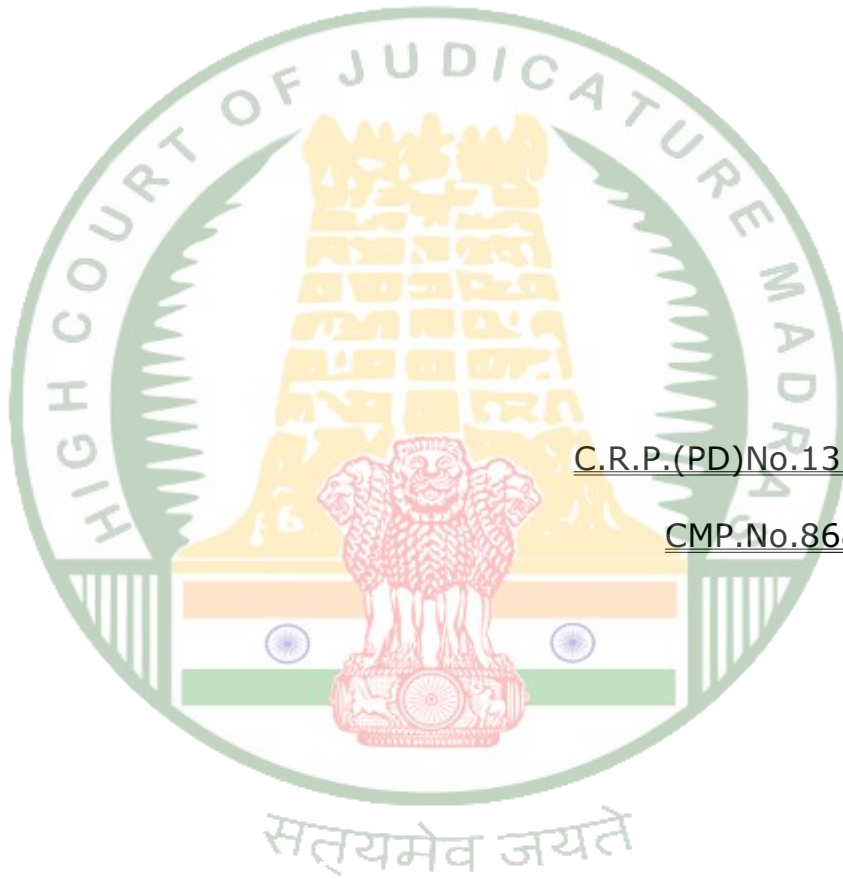
To

The Judge,
X Small Causes Court,
Chennai.

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M. GOVINDARAJ, J.

bri



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