

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(PD).Nos.2893, 2894, 2895 & 2967 of 2018

and

C.M.P.Nos.16955 to 16957 & 17329 of 2018

S.N.Selvaraj

.. Petitioner in C.R.P.No.2893 of 2018

A.Ashokkumar

.. Petitioner in C.R.P.No.2894 of 2018

1. A.Ashokkumar

2. S.N.Selvaraj

.. Petitioners in C.R.P.No.2895 of 2018

S.Periyasamy

.. Petitioner in C.R.P.No.2967 of 2018

Vs.

1. R.Mayilvel

2. Pavalayi

.. Respondents in C.R.P.No. 2893 & 2895 of 2018

1. R.Mayilvel

2. K.Selvaraj

3. Pavalayi

4. S.N.Selvaraj

.. Respondents in C.R.P.No. 2894 of 2018

1. R.Mayilvel

2. Pavalayi

3. S.N.Selvaraj

.. Respondents in C.R.P.No. 2967 of 2018

Common Prayer: Petitions filed under Article 227 of the Constitution of India, to set aside the Fair and Final Order passed in I.A.Nos.78, 79, 80 & 77 of 2016 in R.C.O.P.No.2, 5, 6 & 1 of 2015 on the file of the Rent Controller/ Principal District Munsif, Tiruchengode, dated 22.02.2018.

For Petitioner : Mr.V.S.Kesavan

For Respondent : Mr.C.Ramesh

COMMON ORDER

All these Revision Petitioners are tenants and they are respondents in R.C.O.P.Nos. 2, 5, 6 & 1 of 2015. All these Rent Control Original Petitions have been filed by the respondents herein as the landlord, claiming the eviction of the defendants on various grounds. Pending these Rent Control Original petitions, the tenants filed applications in I.A.Nos. 78, 79, 80 & 77 of 2016 in R.C.O.P.Nos. 2, 5, 6 & 1 of

2015, respectively, seeking to implead the third parties claiming that they are the owners of the properties and the applicants / tenants are paying rents to them. The Rent Controller dismissed the applications on the ground that the Rent Controller being a court of limited jurisdiction vested with power to decide disputes between the landlords and tenants alone third parties cannot be impleaded.

2. I have heard Mr.V.S.Kesavan, learned counsel, appearing for the petitioners and Mr.C.Ramesh, learned counsel appearing for the respondents.

3. Though the other respondents have not been served, I do not think that notice to them is necessary in view of the limited scope of the Revisions and the limited scope of proceedings under the Tamil Nadu Buildings Lease and Rent Control Act, 1960. It is open to the tenant to contend that he is not a tenant under landlord. There is no provision under the Act to decide as to whether the respondents are paying rent to the landlord or to some other person. The Rent Controller cannot examine rival

claims of title that too between persons who are not parties to the contract of tenancy.

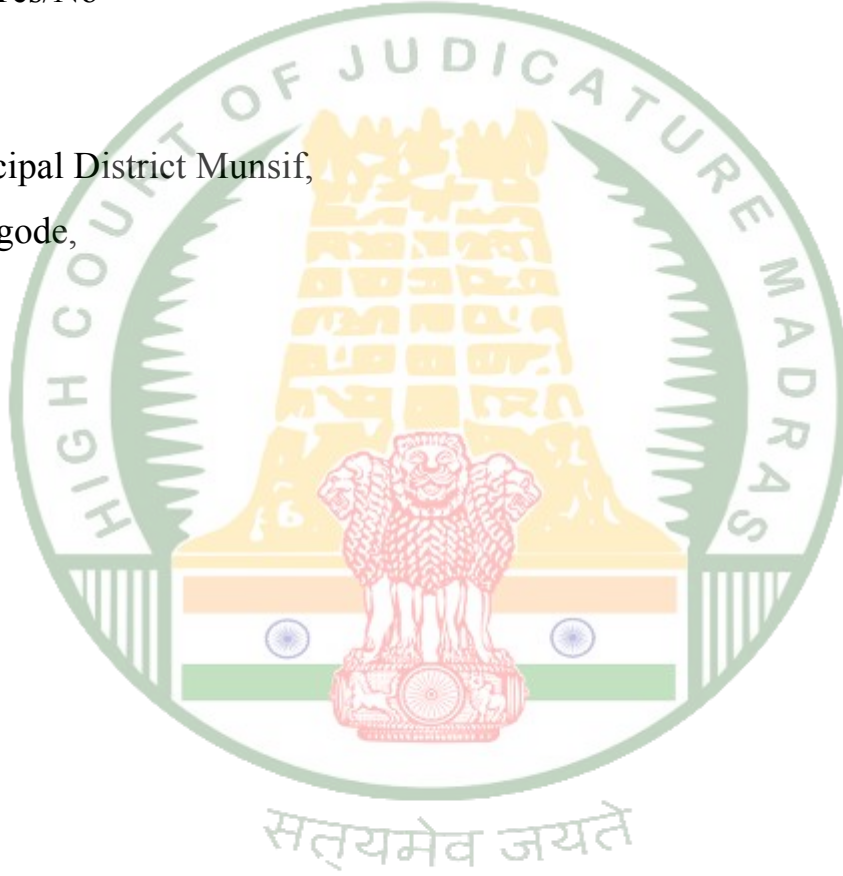
4. The provisions of the Act, do not provide for impleading a third party in a proceeding under the Act. Therefore, the trial Court namely, the Rent Controller cannot be faulted for dismissing the application. Mr.V.S.Kesavan, however, contended that the Rent Controller's observation will go against the interest of the petitioners if the Revision is dismissed without any reservation. The Rent Controller is directed to dispose of the petition without being influenced by the observations made either in this order or in the order of the Rent Controller. Therefore, these Civil Revision Petitions are dismissed without costs.

5. The Rent Controller is required to dispose of the R.C.O.P. within a period of six months from the date of commencement of physical hearing in the Courts at Thiruchengode and report such disposal to this Court. Consequently, connected miscellaneous petitions are closed.

02.12.2020

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Index: Yes/No
Internet: Yes/No

To
The Principal District Munsif,
Tiruchengode,

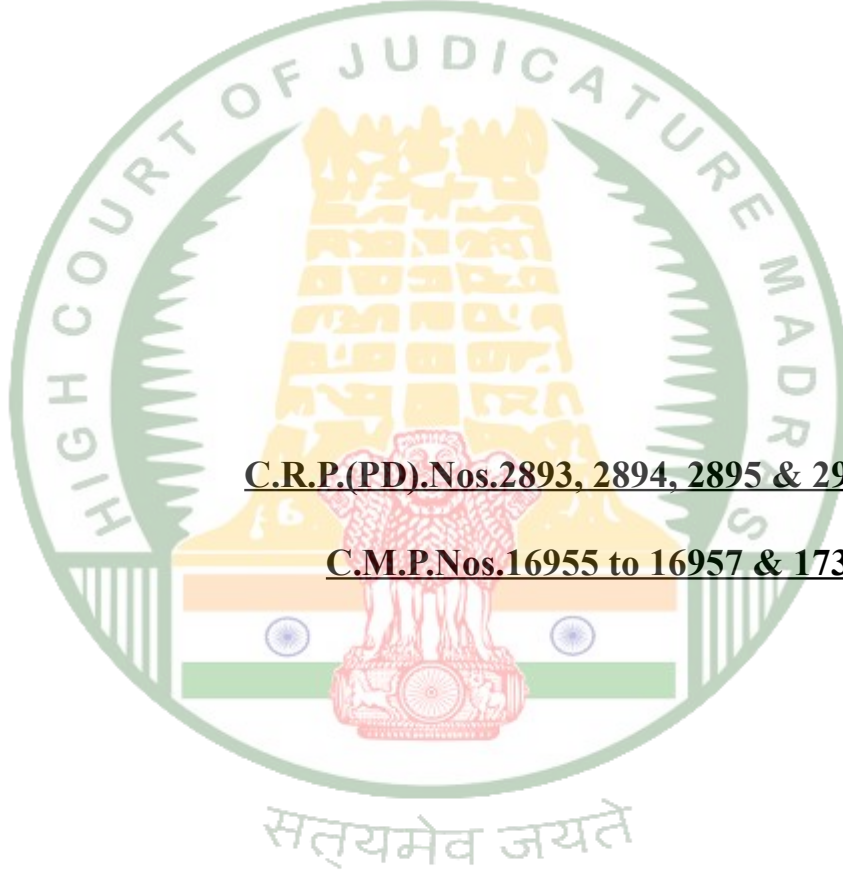


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R.SUBRAMANIAN, J.

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