



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2020

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THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (MD)No.635 of 2019

and

C.M.P. (MD)No.3236 of 2019

WEB COPY

Muthaiah : Revision Petitioner/Petitioner
.. Vs ..
1.Sarojini Ammal : 1st Respondent/Petitioner
2.K.Meenakshi Sundaram
3.K.Nagesh Kumar
4.K.Senthil Kumar : Respondents 2 to 4/Proposed parties

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records relating to the order in I.A.No.23 of 2017 in R.C.O.P.No.1 of 2016 on the file of District Munsif-cum-Judicial Magistrate Court, Tiruppathur, dated 06.07.2018 and set aside the same.

For Petitioners : Mr.S.Sankar for Mr.Sekar
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ORDER

This Civil Revision Petition is directed against the order passed by the learned Rent Controller, Thiruppathur, in I.A.No.23 of 2017 in R.C.O.P.No.1 of 2016.

2.The revision petitioner is the tenant and respondent in R.C.O.P.No.1 of 2016 before the District Munsif-cum-Rent Controller, Thiruppathur. The petition in R.C.O.P.No.1 of 2016 was filed by the first respondent in the present Civil Revision Petition for eviction against the tenant on the ground of wilful default and for denying title. During the pendency of the eviction petition in R.C.O.P.No.1 of 2016, the revision petitioner has filed a petition to implead respondents 2 to 4 herein as parties to the eviction proceedings on the ground that the petition mentioned property belonged to the father-in-law of the first respondent herein and that he executed a registered Will on 20.08.1968 bequeathing his properties in favour of the proposed parties. The said petition was dismissed by the lower Court simply on the ground that there is no issue between the landlady and the proposed parties with regard to title and that such issue which has been projected by the revision petitioner need not be decided in the eviction petition enlarging the scope of the eviction petition. This Court has no reason to deviate from the findings of the lower Court. The revision petitioner submitted that the petition for eviction is filed by the person who is entitled to receive and collect the rent and who satisfies the definition of landlord. The petitioner has raised a dispute with regard to the title and this Court find no *bona fides* in the application whereby



the tenant wants to implead the proposed parties. This Court is able to see that the suit for eviction has been filed by a person competent to prosecute the matter and that there is no *bona fide* for the petitioner to file impleading petition.

3.As a result, this Civil Revision Petition is dismissed as devoid of merits. This Court makes it clear that this order will not bind the proposed parties if they have an independent right or claim against the respondent herein. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

The District Munsif-cum-Judicial Magistrate Court,
Tiruppathur.

+1 CC to M/s.K. SEKAR, Advocate (SR-14826[F] dated 25/08/2020)

C.R.P. (MD) No. 635 of 2019

24.08.2020

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