



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.07.2020

CORAM:

THE HONOURABLE JUSTICE P. RAJAMANICKAM

CRP(NPD) (MD) No.240 of 2014

and

M.P. (MD) No. 1 of 2014

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T. Veeriah Thevar ... Petitioner / Petitioner / Obstructor
Vs.

1. Rajaganapathi ... Respondent / 1st Respondent / Decree Holder
2. Sankaralingam ... Respondent / 2nd Respondent / Judgment Debtor

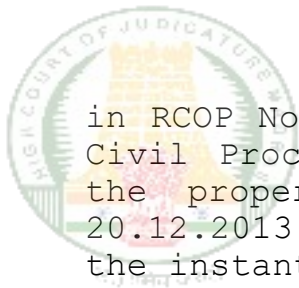
PRAYER: Petition filed under Section 115 of the Civil Procedure Code r/w Section 25 of the Tamil Nadu Building (Lease & Rent Control) Act 1960 to set aside the order dated 20.12.2013 in Unnumbered E.A. No.--of 2013 in C.R.19 Volume A. No.7352 of 2013 dated 10.12.2013 on the file of the Principal District Munsif Court, Kumbakonam in E.P. No. 131 of 2009 on the file of the Principal District Munsif Court, Kumbakonam in RCOP No. 8 of 1997 on the file of the Rent Controller (Principal District Munsif, Kumbakonam) and allow the Civil Revision Petition.

For Petitioner : Mr.AN. Ramanathan

ORDER

This Civil Revision Petition has been filed against the rejection of the Unnumbered E.A. No.--of 2013 in C.R.19 Volume A. No.7352 of 2013 dated 10.12.2013 in E.P. No. 131 of 2009 in RCOP No. 8 of 1997 on the file of the Rent Controller (Principal District Munsif, Kumbakonam).

2. The first respondent herein has filed a petition in RCOP No. 8 of 1997 before the learned Rent Controller (District Munsif), Valangaiman at Kumbakonam against the second respondent for eviction of the premises in Door No.135/152, Railway Road, Aduthurai Town, Thiruvidaimaruthur Taluk, Tanjavur District. The said RCOP was allowed on 11.10.1999 directing the second respondent to vacate the aforesaid premises within a period of Two months. Aggrieved by the same, the second respondent has filed RCA No. 7 of 2000 on the file of the Subordinate Court, Kumbakonam. The same was dismissed and thereby confirmed the order passed by the learned Rent Controller. Thereafter, the first respondent had filed E.P. No. 131 of 2019 on the file of the Rent Controller (Principal District Munsif, Kumbakonam) for delivery of possession of the aforesaid premises. In that Execution petition delivery was ordered. At that stage, the petitioner herein has filed an application in Unnumbered E.A. No.--of 2013 in C.R.19 Volume A. No.7352 of 2013 in E.P. No.131 of 2009



in RCOP No. 8 of 1997 under Order 21 Rule 97 r/w Section 47 of the Civil Procedure Code raising objection for delivery possession of the property. The learned Rent Controller by his Order dated 20.12.2013 has rejected the said petition. Aggrieved by the same, the instant Civil Revision Petition has been filed.

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3. Though, notice was served on the respondent Nos-1 & 2 and their names also printed in the cause list, they have not appeared either in person or their counsel. Hence, after hearing arguments of the learned counsel for the petitioner and perusing the materials filed along with this petition order is being passed in this petition.

4. According to the petitioner, he has taken petition mentioned property for lease in the month of April 2013 from the second respondent/Judgment Debtor. That being so, the petitioner has no independent right. Whatever, order is passed against the original tenant, that will bind upon the petitioner also. Since the petitioner is claiming right through the Judgment debtor, he is not entitled to raise any objection for delivery of possession.

5. Therefore, this Court is of the view of that the learned Rent Controller, Kumbakonam has rightly rejected the petitioner's claim. This Court does not find any infirmity in the order passed by the learned Rent Controller. Hence, the Civil Revision Petition is liable to be dismissed.

6. In the result, the instant Civil Revision Petition is dismissed. The rejection order, dated 20.12.2013 in Unnumbered E.A. No.--of 2013 in C.R.19 Volume A. No.7352 of 2013 in E.P. No. 131 of 2009 in RCOP No. 8 of 1997 passed by the learned Rent Controller (Principal District Munsif, Kumbakonam) is confirmed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

To

The Principal District Munsif,
(Rent Controller), Kumbakonam.

Order made in
CRP (NPD) (MD) No.240 of 2014
Dated:07.07.2020

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SDS (17.07.2020) 2P-2C

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