



WEB COPY

**C.R.P.(PD)(MD)Nos.1553 and 1554 of 2015**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM

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

C.R.P. (MD)Nos.1553 and 1554 of 2015

and

M.P. (MD)No.1 of 2015

C.R.P. (MD)No.1553 of 2015

T.Kasirajan : Petitioner/Petitioner/Petitioner/Plaintiff

.. Vs ..

1.G.Krishnamoorthi

2.G.Chandramohan

3.Boopathi Manickam : Respondents/Respondents/Respondents/  
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed in I.A.No.478 of 2013 in I.A.No.85 of 2012 in O.S.No.62 of 2012, dated 29.04.2015, on the file of the District Munsif Court, Nilakkottai.

C.R.P. (MD)No.1554 of 2015

T.Kasirajan : Petitioner/Petitioner/Plaintiff

.. Vs ..

1.G.Krishnamoorthi

2.G.Chandramohan

3.Boopathi Manickam : Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed in I.A.No.479 of 2013 in O.S.No.62 of 2012, dated 29.04.2015, on the file of the District Munsif Court, Nilakkottai.

For Petitioner : Mr.R.Rajaraman  
in both cases

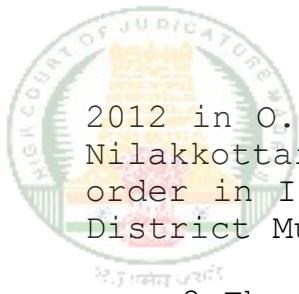
For Respondent 1 : Mr.G.Rajaraman  
in both cases for Mr.M.C.Swamy

For Respondents 2-3 : No appearance  
in both cases

**COMMON ORDER**

The Civil Revision Petition in C.R.P.(MD)No.1553 of 2015 is directed against the order in I.A.No.478 of 2013 in I.A.No.85 of

<https://hcservices.ecourts.gov.in/hcservices/>

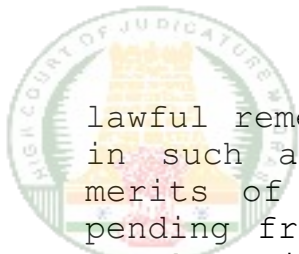


2012 in O.S.No.62 of 2012 on the file of the District Munsif Court, Nilakkottai. C.R.P.(MD)No.1554 of 2015 is directed against the order in I.A.No.479 of 2013 in O.S.No.62 of 2012 on the file of the District Munsif Court, Nilakkottai.

2.The brief facts that are necessary for the disposal of both the Civil Revision Petitions are as follows:

2.1.The revision petitioner, as tenant, filed the suit in O.S.No.62 of 2012 on the file of the District Munsif Court, Nilakkottai, for permanent injunction restraining the respondents herein from interfering with the peaceful possession and enjoyment of the suit property otherwise than by due process of law. The suit property is described as a building bearing Door No.6-1-61 (old) and new Door No.13-1-58-58A in Batlagundu Town Panchayat. During the pendency of the suit, the revision petitioner also filed a petition in I.A.No.85 of 2012 for temporary injunction. When the suit and the interlocutory application for interim injunction are pending, the revision petitioner has filed an interlocutory application in I.A.No.479 of 2013 in O.S.No.62 of 2012 for amendment of plaint. Correspondingly the revision petitioner filed another application in I.A.No.478 of 2013 in I.A.No.85 of 2012 in O.S.No.62 of 2012 for amendment of property description in the petition filed in I.A.No.85 of 2012 in O.S.No.62 of 2012. The trial Court dismissed both the interlocutory applications on the ground that there is no dispute with regard to the identity of property or regarding the door number. The learned Judge also gave a finding that the amendment petitions are liable to be dismissed as the petitions were filed only to delay the proceedings. The conclusion of the lower Court as to the necessity for amendment cannot be accepted. The lower Court has observed that the petitioner admits that he is carrying on business in the shop by taking the property on lease and that there is no dispute with regard to the jural relationship as landlord and tenant between the respondents and the revision petitioner and hence, the amendment regarding the description of property is not necessary. It is not the case of respondents that the new door number, which is sought to be introduced by way of amendment, is not pertaining to the schedule mentioned suit property. In such circumstances, this Court is unable to subscribe to the view taken by the lower Court or reasons stated by the lower Court in support of its conclusions to dismiss the interlocutory applications.

3.It is represented that the landlords have earlier filed a petition for eviction by invoking the provisions of Tamil Nadu Buildings (Lease and Rent Control) Act for eviction and that they have obtained an order of eviction from the Rent Controller. It is further stated that the prayer in the present suit is only for injunction restraining the respondents from interfering with the peaceful possession and enjoyment of the petitioner otherwise than due process of law. Since the petition for eviction, invoking the provisions of the Rent Control Act is initiated he further stated



lawful remedy of eviction by due process of law. There is no logic in such argument. The present revision is not questioning the merits of the suit in O.S.No.62 of 2012. However, the suit is pending from 2012 without much progress and therefore, a direction to the trial Court to dispose of the suit would be in the interest of justice. Accordingly, the learned District Munsif, Sivakasi, is directed to expedite the trial and dispose of the suit in O.S.No.62 of 2012 within a period of twelve weeks from the date of receipt of a copy of this order. Since a regular suit for ejectment is filed by the respondents, it is open to the respondents to point out before the trial Court that the cause of action does not survive and that the suit can be disposed of preserving the rights of parties subject to the outcome of rent control proceedings.

4.As a result, both the Civil Revision Petitions are allowed and the order of the learned District Munsif, Sivakasi, in I.A.No.478 of 2013 in I.A.No.85 of 2012 in O.S.No.62 of 2012 and I.A.No.479 of 2013 in O.S.No.62 of 2012 are set aside and the interlocutory applications stand allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

SRM

To

The District Munsif,  
Nilakkottai.

+1 CC to M/s.G. RAJARAMAN., Advocate ( SR-13763[F] dated 06/08/2020 )

**C.R.P. (MD)Nos.1553 and 1554 of 2015**

**05.08.2020**

**AP(26/08/2020) 3P 3C**