

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

THE HON-BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP.NPD.No. 188 of 2005

and

CMP.No.1015 of 2005

1. Akbar Saied

2. Y.Munna

... Obstructors/ Petitioners/Appellants

Vs.

1. Dr.Taheera Hameed (Deceased)

2. Dr.Sofia

3. M.A.Malick

4. M.A.Qayum

5. M.A.Momin

6. M.A.Majid

7. Ammenuddin Abdul Hassan

[1 to 6 rep.by Power Agent Ameeruddin Abdul Hassan]

8. Abdul Muquaddir

9. Kulsum Usmani

10. Abdul Rafi Suhail

11. Abdul Hafiz

[Respondents 8 to 11 brought on record as LRs of the deceased first respondent vide order of Court dated 24.03.2016 made in CMP No.5592 of 2016 in CRP.No.188 of 2005]

... Respondents

PRAYER: The Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, praying to set aside the judgement and decree passed in R.C.A.No.831 of 2003 dated 02.12.2004 on the file of VIII Court of Small Causes (Appellate Authority), Madras confirming the order made in M.P.No.579 of 2001 in E.P.No.629 of 2001 in R.C.O.P.No.1994 of 1991 dated 11.08.2003 on the file of XVI Court of Small Causes (Rent Controller), Madras by allowing the Civil Revision Petition and dismiss the M.P.No.579 of 2001 in E.P.No.629 of 2001 in R.C.O.P.No.1994 of 1991 dated 11.08.2003 on the file of XVI Court, Small Causes (Rent Controller), Madras.

For Petitioner : No Appearance

For Respondents: Died (Steps taken) (for R1)

: Mr.T.Velumani (for R2 to R7)

: No Appearance
(for R8 to R11)

O R D E R

This Civil Revision Petition is directed as against the judgement and decree passed in R.C.A.No.831 of 2003 dated 02.12.2004 on the file of VIII Court of Small Causes (Appellate Authority), Madras, confirming the order made in M.P.No.579 of 2001 in E.P.No.629 of 2001 in R.C.O.P.No.1994 of 1991 dated 11.08.2003 on the file of XVI Court of Small Causes (Rent Controller), Madras.

2. The petitioners are the obstructors, in respect of the subject premises in the Rent Control Proceedings. Therefore, one Masooda Begam (since deceased) filed a petition to remove the obstructors in the execution proceedings, pursuant to the eviction order passed RCOP.No.1994 of 1991. The said petition was allowed. Aggrieved by the same, the petitioners filed an appeal in RCA.No.831 of 2003 and the same was also dismissed, confirming the order passed by the Executing Court.

3. In the meanwhile, the petitioners also filed a suit in O.S.No.1439 of 1999 as against the respondents for specific performance. The suit was initially decreed and aggrieved by the same, the respondents herein filed an appeal suit in A.S.No.284 of 2011 before the Principal Judge, City Civil Court, Chennai and the same was allowed and the suit for specific performance was dismissed. Therefore, the petitioners have turned to be obstructors and they claimed the subject property on the strength of the fabricated agreement for sale between the petitioners and the respondents herein. Therefore, this Court finds no infirmity or irregularity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. The Executing Court is directed to proceed with the Execution Proceedings in accordance with law and dispose of the same within a period of three months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The VIII Court of Small Causes (Appellate Authority), Madras.
2. The XVI Court, Small Causes (Rent Controller), Madras.

+1cc to M/s.T.Velumani, Advocate Sr.4833

CRP.NPD.No. 188 of 2005

ssn[col]
srg 10/03/2021

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