



CRP.PD.Nos.459 & 998/2019

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DATED : 04.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRP.PD.Nos.459 & 998/2019 & CMP.Nos.3025 & 6628/2019

[Virtual Mode]

H.Fathima

.. Petitioner in
CRP.PD.No.459/2019

R.A.Hadhi

.. Petitioner in
CRP.PD.No.998/2019

Vs.

1.Noor Mohammed
2.Mumtaj Begam
3.Sirajuddin
4.Jannathunnissa
5.Asheena Begam

.. Respondents in
CRP.PD.No.459/2019

1.Mumtaj Begam
2.Sirajuddin
3.Jannathunnissa
4.Asheena Begam
5.Noor Mohammed

.. Respondents in
CRP.PD.No.998/2019



CRP.PD.Nos.459 & 998/2019

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Prayer in CRP.PD.No.459/2019:- Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decreetal order of the learned District Munsiff, Tiruppur, in EA.No.10/2014 in EP.No.109/2004 in RCOP.No.38/2000 dated 19.12.2018.

Prayer in CRP.PD.No.998/2019:- Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decreetal order of the learned District Munsiff, Tiruppur, in IA.No.34/2017 in Rev.Petn.No.-- of 2015 in RCOP.No.38/2000 dated 19.12.2018.

For Petitioners in both
Revision Petitions : Mr.K.Balakrishnan

For Respondents : Mr.P.Ravi Shankar Rao

COMMON ORDER

- (1) These Civil Revision Petitions though filed by two different persons, the petitioners being husband and wife and the issues are interconnected and the respondents are common, they are disposed of by this common order.



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- (2) These Civil Revision Petitions are directed against the orders dated 19.12.2018 passed by the learned District Munsiff, Tiruppur, in EA.No.10/2014 in EP.No.109/2004 in RCOP.No.38/2000 and IA.No.34/2017 in Rev.Petn.No.-- of 2015 in RCOP.No.38/2000.
- (3) For the sake of brevity, the revision petitioner in CRP.PD.No.998/2019 is referred as husband and the revision petitioner in CRP.PD.No.459/2019 is referred as wife.
- (4) The revision petitioner in CRP.PD.No.998/2019 is the husband and respondent in RCOP.No.38/2000 filed by the 1st respondent in the revision petition and one Basheer Ahamed.
- (5) The father of respondents 3 to 5 and the husband of the 2nd respondent along with the 1st respondent, filed a petition in RCOP.No.38/2000 before the Rent Controller-cum-District Munsiff, Tiruppur, for eviction. The petition for eviction was filed against the husband who is the revision petitioner in CRP.PD.No.998/2019 on the ground of willful default and for personal occupation. It is stated that the petition premises was originally belonged to the



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revision petitioner and his wife/petitioner in CRP.PD.No.459/2019.

The 1st respondent and the said Basheer Ahamed obtained a Sale Deed from revision petitioners through their Power of Attorney Agent on 04.06.1999 and agreed to be a tenant till they get an accommodation for their occupation. It is the further case of the landlords that the revision petitioners agreed to vacate the property before 15.09.1999 and agreed to pay a rent of Rs.500/- per month if they are unable to vacate the premises within the time agreed. It is therefore contended by the landlords that with effect from 15.09.1999, the petitioner in CRP.PD.No.998/2019 is in possession of the property as a tenant agreeing to pay a sum of Rs.500/- as rent on or before 16th of every succeeding month. Though it is stated that for few months, the tenant was paying rent, it is contended that the revision petitioner/tenant refused to pay rent from November 1999.

- (6) A counter was filed by the revision petitioner in CRP.PD.No.998/2019 in RCOP.No.38/2000 disputing the title of the respondents. It is also stated that the respondents are not the



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owners of the property and there is no landlord-tenant relationship between the respondents and the revision petitioner/husband.

Despite the Sale Deed executed by the revision petitioners in favour of the landlords, it is admitted that the sale is not challenged independently either by filing a suit or by cancellation of the Sale Deed in the manner known to law.

(7) After filing counter, the petitioner in CRP.PD.No.998/2019 who is described as tenant in respect of the property as per the subsequent Agreement, did not appear to defend the proceedings. As a result, the petitioner in CRP.PD.No.998/2019 was set exparte. However, detailed order of eviction was passed on merits on the basis of the available materials before the Rent Controller. It is not in dispute that the order of eviction passed by the Rent Controller has become final.

(8) After the order of eviction in RCOP.No.38/2000, the landlords filed an Execution Petition in EP.No.109/2004 in RCOP.No.38/2000. Without challenging the order of eviction, it appears that the husband filed several applications one after another to stall the



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execution proceedings. An application in EA.No.138/2007 in EP.No.109/2004 was filed under section 47 of CPC by the husband mainly on the ground that the landlords have impersonated themselves by giving different names to the eviction proceedings. It is contended that in the eviction petition, the father's name of Mr.Basheer Ahamed had been shown as Mr.Mohamed Sahib, whereas, in the evidence, it was stated that Mr.Basheer Ahamed is the son of one G.M.Jaffer Shah.

- (9) It was further contended that the order of eviction was obtained by fraud. It is also the case of the revision petitioner in CRP. No.998/2019 that the decree in RCOP.No.38/2000 is null and void. The application filed by the husband in EA.No.138/2007 was dismissed by the Trial Court by order dated 13.11.2009 and the said order of dismissal was challenged by the husband by filing CRP.NPD.No.1459/2010 and this Court, vide order dated 09.12.2013, while dismissing the Civil Revision Petition, confirmed the order of Trial Court by holding that the petition filed under Section 47 of CPC is devoid of any merits. However a plea was also



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raised before this Court in the Civil Revision Petition that the Rent Controller has no jurisdiction to entertain the eviction petition as the petition premises does not come within the municipal limits of Tiruppur so as to attract the provisions of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. After finding that the plea regarding lack of jurisdiction of Rent Controller is not raised before the Lower Court, this Court specifically held that the contention raised by the husband has no foundation. It was found that the husband had not raised this point in the grounds. The main allegation of impersonation was also found unsustainable after elaborate discussion. The revision petition was ultimately dismissed with a specific direction to the learned District Munsif, Tiruppur to dispose of the execution proceedings in accordance with law as expeditiously as possible preferably before the end of February, 2014.

- (10) However, the revision petitioners have once again started filing one after another applications to stay the proceedings unmindful of the legal implications and consequences and the finality attached to



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judicial orders. Subsequently, the wife has filed an application in EA.No.10/2014 in March, 2014 once again under Section 47 of CPC on the ground that she is the owner of the property along with her husband and that the Sale Deed is a fraudulent document and they cannot be deprived of their property. In the application she came up with the following prayer:-

- i. To declare that the petitioner is the lawful owner of the petition mentioned property.*
- ii. To communicate the order of this Honourable Court to the concerned Sub-Registrar Joint I, Tiruppur and to be registered in the records of the office and encumrance records.*
- iii. Directing the respondents to pay interim damages/compensation a sum of Rs.100,000/- to the petitioner.*
- iv. Directing the respondents to cancel the Sale Deed dated 04.06.1999 registered in the office of the Sub-Registrar Joint I, Tiruppur.*



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v. *Directing the respondents to pay a sum of Rs.10,000/- to the petitioner towards the cost of the petition.*

vi. *To pass such other necessary order which may deem fit in the circumstances of the case and thus render justice.*

- (11) The application filed by the wife in EA.No.10/2014 under Section 47 of CPC was seriously opposed by the landlords and ultimately, the Rent Controller dismissed EA.No.10/2014 on 19.12.2018 by passing an elaborate order. The Executing Court found that the wife is not a party to the rent control proceedings in RCOP.No.38/2000 and hence, she cannot maintain an application under Section 47 of CPC. Since the wife denies the genuineness and enforceability of the Sale Deed dated 04.06.1999 in favour of the landlords on the ground that the sale is a forged and fraudulent one, the Executing Court held that the question as to the validity of the sale is not one relating to the execution, discharge or satisfaction of the decree and that the



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application under Section 47 of CPC is not maintainable to consider the issues raised by the wife.

- (12) The order of Lower Court/Rent Controller in dismissing the application in EA.No.10/2014 is relevant in this context and therefore, it is extracted below:-

“17. Section 47 empowers the Court executing a decree, to determine all questions arising between the parties to the Suit relating to the execution, discharge or satisfaction of the decree. The questions in respect of which a separate Suit is barred must be questions relating to the execution, discharge or satisfaction of the decree and the parties between whom the questions arise must be parties to the Suit in which the decree was passed, or their representatives. Here in the present case, the petitioner denies the genuineness, enforceability of the Sale Deed dated 04.06.1999 in favour of the respondents/Decree-Holders on the ground that the Sale is forged and fraudulent. The question as to the validity of the Sale is not one relating to the execution, discharge or satisfaction of the decree and therefore cannot, be tried in execution proceedings under Section 47 of Civil Procedure Code. The said question can only be tried in a regular Suit brought for the said purpose. The Essential Condition of Section 47 is that, Section 47 applies only where a dispute arises between the parties to the Suit and it does not apply where the contest is between the parties to the Suit and 3rd party. The RCOP.No.38/2000 was filed as against the petitioner's husband R.A.Hadhi arraying him as a Tenant and the respondents/Decree-Holder as landlords. The moment



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the Sale Deed 04.06.1999 was executed the petitioner lost her right, title, interest, over the petition mentioned property. The question regarding to tenancy and relationship of landlord and tenant has been already decided after full trial in RCOP.No.38/2000. The petitioner being not a party to the Rent Control Proceedings in RCOP.No.38/2000 is not entitled to file this application under Section 47 of CPC. As an Executing Court, this Court can go only into the questions arising between the parties relating to the execution, discharge or satisfaction of the decree under Section 47 of CPC and as such this Court has no power to amend, modify or substitute a decree or in other words cannot go behind the decree. It is also settled that what has been decided and also questions which ought to have been raised and have been not been raised would also be questions which cannot be gone into by the Executing Court. The issues pertaining to genuineness and enforceability of the Sale Deed dated 04.06.1999 could have been raised by the petitioner's husband. R.A.Hadhi in the Rent Control Proceedings or by way of a separate Suit or in E.A.No.10/2014 filed by him under Section 47 of CPC and failing to do so, neither the petitioner nor the petitioner's husband namely R.A.Hadhi vide Tenant/Judgment-Debtor is not entitled to raise the question of genuineness and enforceability of the Sale Deed dated 04.06,1999 at this stage. This, Court is of considered opinion that the petitioner has deliberately and intentionally filed this application following dilatory tactics to drag on the execution proceedings. The attitude of the petitioner is a clear abuse of the process of the Court.

18.The petitioner had intentionally filed this application after E.A.No.138/2007 under Section 47 of



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CPC was dismissed by way of an order dated 13.11.2009 and CRP.(NPD).No.1459/2010 dismissed by way of an order dated 09.12.2013. In fact the petitioner had deposed as one of the witnesses in E.A.No.138/2007 filed by her husband vide Tenant/Judgment-debtor. The petitioner had waited for seven years and after the legal proceedings are completed by her husband, the petitioner has now set the clock from the beginning. The conduct and attitude of the petitioner is apparent that this application is filed to escape from the clutches of law and to delay and protract the execution proceedings. Admittedly, in all stages of the execution proceedings, the petitioner had complete knowledge about the day-to-day proceedings and only after the verge end of disposal of the execution proceedings, the petitioner has come forward with this application. While considering the execution proceedings and nature of the litigation, the period of delay is inordinate and exorbitant. The parties are litigating from the year 2000 and after filing of execution proceedings, the petitioner has waited for 10 years to file this application. This Court is of considered opinion that the petitioner deliberately and intentionally filed this application following dilatory tactics to drag on the execution proceedings. There is absolutely no merit in the petition and thus the Court is inclined to dismiss this application with cost to the respondent/decree-holder. There is absolutely no merit in the petition and thus the Court is inclined to dismiss this application with cost to the respondent/decree-holder.

- (13) Aggrieved by the order of the Executive Court in EA.No.10/2014 the wife has filed the revision petition in CRP.PD.No.459/2019. Even in the revision petition, the main submission by the wife is that the



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petitioner is the absolute owner of the subject matter of the property which is involved in the Execution Petition and that she had also filed a Civil Suit for declaration of her title as the lawful owner of the property. Several questions raised by the wife in the revision petition are relating to the title over the subject matter of the property in the Execution Petition. It is also stated in one of the grounds that the demised property is situated in location which comes under Chettipalayam panchayat where the Rent Control Act is not applicable. It is therefore stated that the Court which has passed the order of eviction, has no jurisdiction. In other words, the Rent Controller is not entitled to entertain a petition invoking provisions of Tamil Nadu Buildings (Lease and Rent Control) Act when the property is not located within the municipal limits of Tiruppur.

- (14) One of the reasons stated by the Rent Controller to dismiss the application filed under Section 47 of CPC by the wife is that the petition filed by the husband earlier under Section 47 of CPC had been dismissed after elaborately giving reasons. The wife has given



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evidence. The wife has now stated that the proceedings in RCOP.No.38/2000 on the file of the Rent Controller, District Munsiff, Tirppur, is illegal and the order passed therein is also obtained by fraud and not binding on the petition. It is further stated that wife is not a party in RCOP.No.38/2000 and that therefore she is entitled to demonstrate the fraud and misrepresentation which had been committed by the landlords for taking possession of the property unlawfully.

- (15) The husband filed CRP.PD.No.998/2019 as against the order passed in IA.No.34/2017, an application filed by the husband to condone the delay of 4293 days in filing the review petition in RCOP.No.38/2000 dated 25.08.2010. It is admitted that the husband has filed a petition seeking review of the order passed in RCOP.No.38/2000. Since the review application was filed with the delay of more than 11 years, a petition to condone the delay of 4293 days is filed by the revision petitioner in IA.No.34/2017. The said application filed to condone the delay of more than 11 years was dismissed by the Rent Controller on the ground that no valid



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explanation is offered and no sufficient cause is shown for the inordinate delay of 4293 days in filing the review application. The Lower Court also found that the attitude of the husband is nothing but clear abuse of process of Court as the petition filed by him under Section 47 of CPC had already been dismissed.

- (16) The parties are litigating from the year 2000 and the landlords are unable to get possession of the property which is the subject matter of eviction proceedings. The learned District Munsiff / Rent Controller found that the delay is inordinate and exorbitant and that serious prejudice is caused to the landlords. Finding that there is lack of merits, the petition filed by the husband to condone the inordinate delay in filing the review application was dismissed. Aggrieved by the same, CRP.PD.No.998/2010 is filed by the husband. It is settled that ignorance of law is not an excuse. It is unfortunate to note that the petitioner is now indulged in relitigation as a disgruntled litigant out of frustration and disappointment after allowing the order of eviction and the earlier order under Section 47 of CPC to become final.



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- (17) Both the Civil Revision Petitions are represented by the same counsel. The argument of the learned counsel for revision petitioners is that the injustice done to the petitioners was due to the hurried orders passed by the Lower Court and this Court earlier in the Civil Revision Petition filed by the husband ignoring the law on the nullity of an order passed by a Court without jurisdiction.
- (18) In CRP.PD.No.998/2019, the husband has stated that the Rent Controller has no jurisdiction to entertain the Rent Control Petition in respect of the property which is situated in Chettipalayam Panchayat. It is further stated that there is no relationship of landlord tenant between the petitioner and respondents. It is also stated that the husband had already filed a civil suit for declaration that the revision petitioner/husband is the lawful owner of the property which is the subject matter of proceedings and that the Rent Controller has no jurisdiction to entertain the application. The further grounds raised in the Memorandum of Grounds relating to the validity of the Sale Deed dated 04,06,1999 and other grounds are nothing but reiteration of the points projected by the revision



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petitioner/husband in the earlier round. Learned counsel for the petitioner relied upon a judgment of the Hon'ble Supreme Court, in the case of *Chandrika Misir and Another Vs. Bhaiya Lal* reported in *1973 AIR 2391 : 1973 [2] SCC 474*. The Hon'ble Supreme Court, after referring to the provisions of Sections 209 and 331 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1951, found that the suit like the one before the Hon'ble Supreme Court has to be filed before the Special Court created under the Act within a period of limitation specially prescribed under the Rules made under the Uttar Pradesh Act No.1 of 1951 and that therefore, the jurisdiction of the ordinary Civil Court is absolutely barred. The Hon'ble Supreme Court observed that the issue with regard to the jurisdiction though had not been raised by the defendant in the Trial Court, it can be raised at any stage where the Court is inherently lacking in jurisdiction, even in execution proceedings on the ground that the decree was a nullity.

- (19) ***Per contra***, the learned counsel appearing for the respondents in both the revision petitions relied upon a judgment of this Court in



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the case of ***Dosky Machado Vs. Francis Gomes*** reported in **1984 [2] MLJ 42**. A Division Bench of this Court has held that the Rent Controller has no jurisdiction to review his own order after relying upon the decision of the Hon'ble Supreme Court in ***P.N.Thakersay Vs. Pradyumansingji*** reported in **AIR 1970 SC 1273**. The relevant portion of the saaid judgment is extracted below for convenience:-

*"7. On a due consideration of the matter we are of the view that the Rent Controller has no power to review his own order as the Tamil Nadu Buildings [Lease and Rent Control] Act, 1960, under which he is functioning does not invest him with a power of review. It is well established that a power of review is not an inherent power and the power to review must be conferred by law either specially or by necessary implication. We find that the Tamil Nadu Buildings [Least and Rent Control] Act, 1960 nowhere confers a power of review on the Rent Controller. It has been specifically held by the Supreme Court in **P.N.Thakersay Vs. Pradyumansingji** reported in **AIR 1970 SC 1273**, that the power to review is not an inherent power and that it must be conferred by law either specifically or by necessary implication. In the*



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instant case, the Supreme Court held that the State Government or the Commissioners functioning under powers delegated to them by the Government has no power of review as the Saurashtra Law Reforms Act under which they act has not conferred any power on them in review their own orders. Since the provisions of the Tamil Nadu Buildings[Lease and Rent Control] Act, 1960, do not either specifically or by necessary implication confer the power of review on the Rent Controller, the said decision of the Supreme Court squarely applies to the facts of these cases and the Rent Controller should be held to have no power to review his own orders."

- (20) Learned counsel then submitted that the review application filed by the husband was filed along with a petition to condone the huge delay of more than 11 years in filing the application to review the order of eviction. It is his contention that the delay in filing the review application is not explained. It is further stated that not even an attempt was made by the revision petitioner/husband explaining the inordinate delay of more than 11 years in filing the review application. It was in the circumstances, the learned counsel



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submitted that the application seeking review of the order of the Rent Controller is not only devoid of merits, but also would expose the conduct of the revision petitioners to approach the Court by filing applications one after another unmindful of legal consequences and the finality attached to judicial orders.

- (21) Learned counsel for the respondents also relied upon an order of this Court dated 09.12.2013 made in CRP.No.1459/2010 and submitted that the revision petitions are liable to be dismissed on the ground that the petitioners have filed the above Civil Revision Petition by abuse of process of Court without any merits. When the Review Application is not maintainable, the learned counsel reiterated that the application filed under section 5 of the Limitation Act, to condone the delay in filing the application, cannot be entertained. Even if the application for review is maintainable, it is contended that there is no explanation for the delay.
- (22) This Court considered the rival submissions and also perused the materials placed before this Court.
- (23) Learned counsel for the revision petitioners has made several



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submissions which are not only unsustainable but also unwanted by blaming this Court rather than realising the conduct of the revision petitioners.

(24) The revision petition filed by the wife in CRP.PD.No.459/2019 is nothing but an abuse of process of law. Admittedly, the wife is not a party to the eviction proceedings.

(25) Section 47 of CPC reads as follows:-

"Section 47:-Questions to be determined by the Court executing decree?"

- 1. All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the Court executing the decree and not by a separate suit.*
- 2. Where a question arises as to whether any person is or is not the representative of a party, such question shall, for the purposes of this section, be determined by the Court.*

Explanation I:-*For the purposes of this section, a plaintiff whose suit has been dismissed and a defendant against whom a suit has been dismissed are*



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parties to the suit.

Explanation II:-*(a) For the purposes of this section, a purchaser of property at a sale in execution of a decree shall be deemed to be a party to the suit in which the decree is passed; and (b) all questions relating to the delivery of possession of such property to such purchaser or his representative shall be deemed to be questions relating to the execution, discharge or satisfaction of the decree within the meaning of this section."*

- (26) All questions arising between the parties to the suit in which the decree was passed or their representatives and relating to execution, discharge or satisfaction of the decree can be determined by the Court to execute a decree and not by anyone who is not a party to the suit or representing a party.
- (27) In the case on hand, the petition filed by the husband/revision petitioner in CRP.PD.No.998/2019 was dismissed after elaborately considering the case on merits. The wife, after disposal of the Civil Revision Petition filed by the husband, confirming the order of the Rent Controller, cannot file an application under Section 47 of CPC once again. As pointed out earlier, the wife has participated in the



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earlier round. These revision petitions are not only an abuse of process of law, but a calculated one to delay the process of execution by filing applications one after another not only by the party to the eviction proceedings but also by strangers to the litigation to come up with vexatious applications just to stall the execution.

- (28) It is to be noted that the husband and wife have pleaded title to the property which is the subject matter of eviction proceedings on the ground that the Sale Deed stated to have been executed through their Power of Attorney Agent is null and void. When it is admitted that no independent proceedings in the manner known to law is initiated within the period of limitation challenging the Sale Deed, it is not open to the revision petitioners to raise a plea in different forms at various stages of proceedings affecting the vested right accrued to the other side. It is to be seen that the husband has filed the petition under Section 47 of CPC which was dismissed by the Lower Court as well as by this Court for reasons. The revision petitioner/husband has neither filed any appeal against the order of



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eviction nor challenged the order of this Court in the revision petition. In this case, the issue regarding lack of jurisdiction of Rent Controller depends upon a fact whether the property lies within municipal limits of Tiruppur or not. Since this issue was not raised before the Executing Court, this Court did not permit the husband to raise the issue in the earlier round suspecting bona fides. The issue regarding jurisdiction cannot be decided as pure question of law as the facts are not admitted. Hence, the judgment of the Hon'ble Supreme Court reported in **1973 AIR 2391 [cited supra]** cannot be relied upon.

- (29) The wife cannot raise this issue once again in the application filed under Section 47 of CPC. In these circumstances, the wife's attempt is only to prolong the litigation with a false hope that they can retain their possession successfully exhibiting her unfair attitude and disrespect to the orders which have become final.
- (30) The husband has filed a petition to review the order passed by the Rent Controller in the main petition in RCOP.No.38/2000. In the affidavit filed in support of the petition filed under Section 5 of the



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Limitation Act, the petitioner has not given any reasons to condone the huge delay of more than 11 years. The Trial Court has not only held that the review is not maintainable but also observed that the husband has deliberately and intentionally filed applications one after another to drag on the execution proceedings and that the application is unwarranted and it is part of the dilatory tactics adopted by the revision petitioner/husband. This Court is unable to find any merit either in the review application or in the application filed to condone the huge delay of 11 years and odd to prefer the review application.

- (31) It is pertinent to cite a judgment of the Hon'ble Supreme Court in ***Dnyandeo Sabaji Naik and Another Vs. Pradnya Prakash Khadekar and Others*** reported in **2017 [5] SCC 496**. Paragraphs 13 and 14 of the said judgment are relevant and they are extracted hereunder for convenience:-

"13. This Court must view with disfavour any attempt by a litigant to abuse the process. The sanctity of the judicial process will be seriously eroded if such attempts are not dealt with firmly. A litigant who takes



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liberties with the truth or with the procedures of the Court should be left in no doubt about the consequences to follow. Others should not venture along the same path in the hope or on a misplaced expectation of judicial leniency. Exemplary costs are inevitable, and even necessary, in order to ensure that in litigation, as in the law which is practised in our country, there is no premium on the truth.

14. Courts across the legal system—this Court not being an exception—are choked with litigation. Frivolous and groundless filings constitute a serious menace to the administration of justice. They consume time and clog the infrastructure. Productive resources which should be deployed in the handling of genuine causes are dissipated in attending to cases filed only to benefit from delay, by prolonging dead issues and pursuing worthless causes. No litigant can have a vested interest in delay. Unfortunately, as the present case exemplifies, the process of dispensing justice is misused by the unscrupulous to the detriment of the legitimate. The present case is an illustration of how a simple issue has occupied the time of the courts and of how successive applications have been filed to prolong the inevitable. The person in whose favour the balance



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of justice lies has in the process been left in the lurch by repeated attempts to revive a stale issue. This tendency can be curbed only if courts across the system adopt an institutional approach which penalises such behaviour. Liberal access to justice does not mean access to chaos and indiscipline. A strong message must be conveyed that courts of justice will not be allowed to be disrupted by litigative strategies designed to profit from the delays of the law. Unless remedial action is taken by all courts here and now our society will breed a legal culture based on evasion instead of abidance. It is the duty of every court to firmly deal with such situations. The imposition of exemplary costs is a necessary instrument which has to be deployed to weed out, as well as to prevent the filing of frivolous cases. It is only then that the courts can set apart time to resolve genuine causes and answer the concerns of those who are in need of justice. Imposition of real time costs is also necessary to ensure that access to courts is available to citizens with genuine grievances. Otherwise, the doors would be shut to legitimate causes simply by the weight of undeserving cases which flood the system. Such a situation cannot be



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allowed to come to pass. Hence it is not merely a matter of discretion but a duty and obligation cast upon all courts to ensure that the legal system is not exploited by those who use the forms of the law to defeat or delay justice. We commend all courts to deal with frivolous filings in the same manner."

(32) In view of the conduct and attitude of the revision petitioners, this Court has not only found that the Civil Revision Petitions are devoid of merits, but also is satisfied that the revision petitioners have vexatiously filed successive applications one after another to stall the execution proceedings. The fact that the revision petitioners have not filed any appeal against the main order in the eviction petition, would only disclose that these revision petitions lack *bona fides*.

(33) As it has been held by the Hon'ble Supreme Court in the case cited *supra*, this Court has to necessarily discourage such litigations like the present petitions so that the valuable time of Court need not be wasted on litigations which are filed by abuse of process of Court/law which are likely to damage the trust or faith the public repose on the judiciary.

(34) In view of the foregoing discussions, this Court is of the view that



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the Revision Petitions lack merit and are liable to be dismissed with exemplary cost.

- (35) Accordingly, **the Civil Revision Petitions stand dismissed with an exemplary cost of Rs.1,00,000/- [Rupees One Lakh only] payable by the revision petitioners [each Rs.50,000/-] to the respondents within a period of four weeks from the date of receipt of a copy of this order. The legal representatives of the deceased 1st petitioner, viz., Basheer Ahamed, in RCOP.No.38/2000, viz., respondents 2 to 5 in CRP.PD.No.459/2019, are jointly entitled for a sum of Rs.50,000/- while the 2nd petitioner in the said RCOP case, viz., Noor Mohammed, is entitled for the remaining sum of Rs.50,000/- out of the cost directed by this Court in this order.** Consequently, connected miscellaneous petitions are closed.

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Internet : Yes

To
The District Munsiff



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