



C.R.P.No.475 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.475 of 2013

1. R.Sridharan (Died)

2. S.Vijayalakshmi

3. P.Akila

4. Sudha

... Petitioners

Vs.

1. P.N.Sundaram (died)

2. Alamelu Mangalam

3. S.Naganathan @ Prakash

4. S.Manikandan

5. Meenakshi @ Lakshmi

6. S.Surya Narayanan

... Respondents

Prayer :- Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the order dated 17.07.2012 passed in I.A.No.22 of 2011 in R.C.O.P.No.7 of 2008 on the file of the learned House Rent Controller, District Munsiff, Tirupur, and allow the Civil Revision Petition.



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For Petitioner : Mr.Ashok Menon

For Respondents

R1 : Died

For R2 to R4 & R6 : Mr.R.Sivaprakasam

For R5 : No appearance

ORDER

This Civil Revision Petition is directed as against fair and decreetal order dated 17.07.2012 passed in I.A.No.22 of 2011 in R.C.O.P.No.7 of 2008, on the file of the learned House Rent Controller, District Munsiff, Tirupur, thereby dismissing the petition to condone the delay in filing the petition to implead the legal representatives of the deceased respondent.

2. The petitioners are the landlords. Originally the husband of the first petitioner filed petition for eviction as against the deceased tenant on three grounds. The petition mentioned property requires demolition and re-construction and it is dilapidated condition. Further the landlord is living in the rented house and as such for his own use and occupation, he requires the premises which was rented to the deceased respondent.



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3. After filing the petition the original landlord died and thereafter the petitioners were brought on record as legal representatives of the original landlord. Thereafter the tenant also died and the same was brought to the notice of the Court by way of memo dated 05.01.2010. Thereafter, the petitioner filed petition to implead the legal representatives of the deceased tenant with the delay of 385 days. It was dismissed on the ground that the reasons stated in the condone delay petition are not sufficient. Aggrieved by the said order, the petitioner filed this present revision.

4. Heard Mr.Ashok Menon, learned counsel appearing for the petitioner and Mr.R.Sivaprakasam, learned counsel appearing for the respondents 2 to 4 &6.

5. Admittedly, both the landlord and tenant died. The legal representatives of the original landlord were impleaded as parties. Subsequently the sole tenant also died on 28.12.2009 and it was brought to the knowledge of the Court below by the learned counsel appearing for the



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petitioners on 05.01.2010. Thereafter, the petitioners filed petition to implead the legal representatives of the sole deceased tenant along with the petition to condone delay of 385 days.

6. The first petitioner is a widow and after death of her husband, she is residing at Chennai and there was a delay in collecting the details of the legal heirs to file a petition to implead the legal representatives of the sole respondent. Therefore, the reasons stated in the affidavit filed in support of the condone delay petition is genuine one and without considering the same, the Court below dismissed the petition. Further the Rent Control proceeding filed in the year 2008, on the ground that the rented premises was in dilapidated condition and as such it requires demolition and reconstruction and also the ground for owners occupation, since they are living in the rented premises. Now fifteen years has gone and the tenants are still residing there.

7. Considering the facts and circumstances, this Court is inclined to set aside the order passed by the Court below. Accordingly, the order



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dated 17.07.2012 passed in I.A.No.22 of 2011 in R.C.O.P.No.7 of 2008, on the file of the learned House Rent Controller, District Munsiff, Tirupur, is hereby set aside and the condone delay petition is allowed. The trial Court is directed to implead the respondents and proceed with the trial, after issuance of notice to the respondents and also dispose the same within a period of three months from the date of receipt of copy of this Order.

8. With the above directions, this Civil Revision Petition stands allowed. There shall be no order as to cost.

05.12.2022

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

To

1. The House Rent Controller,
District Munsiff, Tirupur,

2. The Section Officer,
V.R. Section,

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Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J.

rts

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