



C.R.P.No.3575 of 2022

M IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3575 of 2022

and

C.M.P.No.18995 of 2022

K.Rajam

... Petitioner

Vs.

1.P.Nagarajan

2.K.Jayakumar

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final orders dated 01.04.2022 passed in M.P.No.1 of 2021 in R.L.T.O.P.No.283 of 2020 on the file of the Rent Controller, XI Small Causes Court, Chennai.

For Petitioner : M/s.K.Sivasami

For Respondents : No Appearance

ORDER

The Civil Revision Petition has been filed challenging the order passed by the Court below dismissing the petition filed by the revision petitioner seeking himself to be impleaded as party respondent in a petition filed by the 1st respondent for repossession of the demised premises against the 2nd respondent.



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2. The 1st respondent herein filed a petition for repossession of demised premises against the 2nd respondent on the ground of failure of the parties to enter into an agreement and also for wilful default in payment. When the said Original Petition was pending, the petitioner herein filed an impleading petition in M.P.No.1 of 2022 seeking her impleadment as a party respondent in a petition for repossession.

3. It was the case of the petitioner that originally the mother of the petitioner namely Meenakshi Ammal was a tenant under 1st respondent and the 2nd respondent was not tenant under the 1st respondent and she died on 27.02.2021 and after her death, the 2nd respondent has been tenant in the demised premises under the 1st respondent. It was submitted by the petitioner that the 1st respondent, suppressing the said material fact filed a petition seeking repossession as against the 2nd respondent who was not a tenant under him. The Court below dismissed the petitioner for impleadment filed by the petitioner. Aggrieved by the same, the petitioner is before this Court by way of revision.

4. The learned counsel for the petitioner vehemently contended that the 2nd respondent is not a tenant under the 1st respondent and after the death of her mother, the petitioner has been paying the rent to the 1st respondent and consequently he is



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entitled to come on record as a party respondent for a petition to impleadment.

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5. It is seen from the impugned order in this revision that already there were earlier proceedings between the 1st respondent and 2nd respondent in R.C.O.P.No.1389 of 2015 and R.C.O.P.No.471 of 2015 wherein the 2nd respondent has admitted the tenancy under the 1st respondent. It is also seen in R.C.O.P.No.471 of 2015 filed against the 2nd respondent by the 1st respondent treating him as a tenant and fair rent was fixed by the learned Rent Controller and the same is confirmed by the Appellate Authority in R.C.A.No.385 of 2017. The document pertained to the earlier proceedings were marked before the Court below as Exs.P.3 and P.4. Based on the same, the Court below came to the conclusion that the petition for impleading filed by the petitioner herein is not deserved to be allowed.

6. In view of the fact that in the earlier proceedings between the 1st respondent and 2nd respondent, where the 2nd respondent himself admitted as tenant under the 1st respondent, this Court is not inclined to accept the contentions

S.SOUNTHAR, J.

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made by the learned counsel for the petitioner that originally the mother of the



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petitioner and 2nd respondent was tenant under the 1st respondent and after her death, the petitioner has been continuing as tenant from March 2021. Even assuming petitioner has got any independent right and that any adverse order has been passed against the 2nd respondent in a petition for repossession filed by 1st respondent, the petitioner being not a party to the said proceedings, it is always open to him to assail the same in the manner known to law. Therefore impugned order would not cause any prejudice to the petitioner. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

09.11.2022

Index: Yes/ No

Speaking Order / Non-Speaking Order

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To

The XI Small Causes Court,
Chennai.

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