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C.R.P.No.3161 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3161 of 2022
and
C.M.P.No.16886 of 2022

Shoaib Ur Rahaman

... Petitioner

Vs.

1.Sameera Sultana
2.Karunakaran

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 23.04.2022, made in M.No.1 of 2022 in R.L.T.O.P.No.442 of 2021 on the file of the X Small Causes Court, Chennai and allow the Civil Revision Petition on the file of this Court.

For Petitioner : Mr.R.Karthik

For Respondents : Mr.N.Mariappan for R1



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ORDER

This Revision is filed, challenging the order passed by the Court below dismissing the petition filed by the petitioner seeking his impleadment in the eviction petition filed by the first respondent against the second respondent.

2. According to the revision petitioner, the first respondent is his sister and the second respondent is the tenant under him. It is the case of the revision petitioner that the property originally belonged to mother of the petitioner and the first respondent and the second respondent is tenant under the revision petitioner.

3. It is further stated that the first respondent herein allegedly based on the oral gift of the demise premises by her mother, filed a petition for eviction against the second respondent. In order to bring out the facts, the petitioner has to go on record in the eviction petition filed by the first respondent against the second respondent.



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4. The veracity of the oral gift relied by the first respondent cannot be gone into by this Court, and it is a civil dispute. As far as the present petition for eviction filed by the first respondent against the second respondent is concerned, it is for her to prove the jural relationship between the landlord and the tenant for getting an order of eviction.

5. If it is so desired, it is open to the revision petitioner to appear as a witness on behalf of the second respondent/tenant and support his case. However, presence of the revision petitioner is not at all necessary to decide the issue involved in the petition. Therefore, I do not find any illegality or irregularity in the order passed by the Court below. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.



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S.SOUNTHAR , J.

dna

6. It is open to the revision petitioner to appear as a witness on behalf of the second respondent in the eviction petition filed by the first respondent.

**29.09.2022
(2/3)**

Index : Yes / No
Internet : Yes / No
dna

To

The X Small Causes Court, Chennai.

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