



CRP(PD)(MD)No.1499 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1499 of 2022 and
CMP(MD) No.6293 of 2022

E.Velmurugan

... Petitioner

Vs

1.K.Uththirampillai

2.S.Venkateswaran

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 23.04.2022 made in E.A.No. 20 of 2022 in E.P.No.13 of 2019 in RCOP No.8 of 2000, on the file of the District Munsif, Palani, Dindigul District.

For Petitioner : Mr.K.Vijayanand

ORDER

As against the order of the learned District Munsif, Palani in E.A.No.20 of 2022 in E.P.No.13 of 2019 in RCOP No.8 of 2000, this Civil Revision Petition is filed.



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2.Originally, R.C.O.P.No.8 of 2000 was filed by one Utththirampillai/Landlord against the tenants before the Rent Controller/District Munsif Court, Palani for the relief of eviction. In the said RCOP proceedings, the Executing Court has passed an order of delivery in E.P.No.13 of 2019. Since the petitioner is an adjacent land owner of the property involved in the proceedings in R.C.O.P.No.8 of 2000 and if delivery is executed and if it is demolished, then his property also would be affected and hence it is necessary that he also has to be heard in EP Proceedings. Therefore, he filed an application in E.A.No.20 of 2022, under Section 151 of Civil Procedure Code, to implead him as a necessary party in E.P No.13 of 2019 and the same was dismissed by the trial Court. Aggrieved over the same, the present Civil Revision Petition is filed.

3.The learned counsel appearing for the petitioner submits that since the petitioner is an adjacent land owner of the properties



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involved in the proceedings in R.C.O.P.No.8 of 2000, he filed the application to implead him as a party to the proceedings. But the trial Court dismissed the application on the sole ground that in Rent Control proceedings, other than landlord and tenants, no one can be added as a party. The trial Court also has not considered the legal interest of the petitioner over the portion of the properties involved in RCOP proceedings. He further submits that the trial Court failed to see that the petitioner is having right and interest over the suit property measuring 26 x 3 feet in the first floor and 10 x 10 feet in the ground floor and it was also decreed by the Subordinate Court, Palani in CMA No.4 of 2021. Hence, the order of the trial Court has to be set aside.

4.This Court considered the submissions of the learned counsel for the petitioner and also perused the materials placed on record. Since no adverse order is going to be passed as against the respondents, notice to them is dispensed with.



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5. On perusal of the record shows that the petitioner in earlier occasion, being a third party to the proceedings in R.C.O.P.No. 8 of 2000 filed an interlocutory application in I.A.No.11 of 2012 for the very same relief that he has to be impleaded as a party to the proceedings in R.C.O.P.No.8 of 2000 and the same was rejected on 02.08.2014 itself. Challenging the said order, he has also filed CMA No.4 of 20222, before the Sub Court, Palani, which was also dismissed. Claiming that as against the above dismissal order, the petitioner filed Civil Revision Petition, he has taken out the application in E.A.No.20 Of 2022. The trial Court has held that the relief sought for by the petitioner in earlier occasion on the very same issue was rejected in IA.No.11 of 2012 in RCOP No.8 of 2000 on 02.08.2014 itself and it was also confirmed by the Sub Court, Palani in CMA No.12 of 2022. Hence, the trial Court has rightly dismissed the application in E.A.No. 20 of 2022 filed by the petitioner.



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6. In view of the above, this Court finds no error in the order of the trial Court. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.07.2022

Index : Yes / No.

Internet : Yes / No.

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To

The District Munsif Court, Palani, Dindigul District.



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B.PUGALENDHI, J.

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Order made in
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