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C.R.P (MD) No.1552 and 1553 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.R.P (MD) No.1552 and 1553 of 2022

and

CMP (MD) No.6668 of 2022

O.B.Maheswari

... Petitioner

Vs

M.Alagappan

... Respondent

PRAYER: Civil Revision Petitions is filed under Article 227 of the Constitution of India, to set aside the impugned fair and executable orders in I.A.Nos.228 and 229 of 2021 in RLTOP.No.130 of 2020 dated 04.07.2022 and 06.07.2022 respectively on the file of the Principal District Munsif, Madurai Town.

For Petitioner : Mr.R.Maruthu Pandiarajan

For Respondent : Mr.Daniel Leo for Mr.K.Siva

ORDER

These Civil Revision Petitions are filed as against the orders dated 04.07.2022 passed by the learned Principal District Munsif, Madurai Town in I.A.Nos.228 and 229 of 2021 in RLTOP.No.130 of 2020.



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2.The respondent filed RLTOP No.130 of 2020 for mandatory injunction and recovery of arrears of rent. The petitioner filed two interlocutory applications in I.A.No.228 of 2021 to implead a Trust as respondent to the RLTOP proceedings and I.A.No.229 of 2021 for production of certain documents relating to the trust. Both these applications were dismissed. Aggrieved over the same, the present civil revision petitions are filed.

3.When these civil revision petitions were taken up for hearing on 29.07.2022 this Court was not inclined to entertain these civil revision petitions. However the learned Counsel for the petitioner sought time to work out in this issue and to make his submissions. Therefore these civil revision petitions were adjourned to 05.08.2022. However, even today when these civil revision petitions are taken up for hearing a representation has been made that the learned Counsel on record is from Chennai and he is not in a position to appear before this Court and sought adjournment.



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4.This Court therefore proceeds with the available materials on record and dispose of the petitions.

5.I.A.No.228 of 2021 is filed to implead a Trust as respondent to the RLTOP proceedings and I.A.No.229 of 2021 is filed for a direction to the respondent to produce certain documents by the respondent, which are relating to the trust. The trial Court has dismissed both these applications. Challenging the same these civil revision petitions are filed on the ground that the respondent himself has admitted the existence of the trust and its periodical functions in the counter affidavit and the respondent claims himself as landlord, only based on the legal heir certificate, which was fraudulently obtained while admitting that he is the adopted son. Therefore the legal heir certificate issued by the revenue department is not sustainable in law. The respondent claims that he is an adopted son of the deceased trustee/landlord based on an adopted deed in Document No.15 of 1987 and it is not produced by him. Moreover the respondent is not at all the Manager of the trustee and therefore, impleading the proposed respondent of the trust and production of the documents sought by the petitioner are necessary.



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6.The learned Counsel for the respondent submits that originally the petitioner entered into a lease agreement with one Muthaiah Chettiyar and after his demise, the petitioner extended the lease with one M.Alagappan, son of the said Muthaiah Chettiyar in the year 2017 and thereafter, the petitioner has defaulted in payment of rent. Therefore the respondent has filed the above suit for eviction and for recovery of arrears of rent. The petitioner has filed his counter affidavit admitting that he has entered into a lease agreement with the respondent, recognising the respondent as the successor of late Muthaiah Chettiyar. Subsequently the petitioner has filed the above interlocutory applications to implead the trust as a party and to produce certain documents to prove that the trust is the owner of the property. When the petitioner has filed a counter affidavit disputing Ex.A3 the legal heir certificate, the trial Court has come to the conclusion that the respondent has established his title and therefore, the question of impleading the proposed respondent does not arise and there is no necessity to produce additional documents. Moreover there is no provision for the tenants to challenge the title of



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the landlord in the amended Rent Control Act, Hence there is no reason to interfere with the orders of the trial Court.

7.This Court perused the materials placed on record and the submission made on behalf of the respondent.

8.The petitioner has admitted the ownership of the respondent and also entered into an agreement with the respondent on 31.08.2017. At one point of time, the petitioner has defaulted in payment of rent. Therefore the respondent has filed the above suit for eviction and for recovery of arrears of rent. Though the petitioner has filed a counter affidavit disputing Ex.A3 the legal heir certificate, the trial Court has come to the conclusion that the respondent has established his title and therefore, the question of impleading the proposed respondent does not arise and there is no necessity to produce additional documents. When the petitioner has entered into an agreement with the respondent he is not entitled to file such an application for impleading the proposed respondent and to produce the documents.



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Hence there is no reason to interfere with the orders of the trial Court.

9.In view of the above discussion, these civil revision petitions stand dismissed. No costs. Consequently connected miscellaneous petition also stands dismissed.

05.08.2022

dsk

To

The Principal District Munsif,
Madurai.



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B.PUGALENDHI, J.

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