



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.03.2022

CORAM:

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (NPD) (MD) .No.619 of 2018

and

C.M.P. (MD) .No.2746 of 2018

P.Nagappan (died)
P.Shanmugam (died)
P.Thangavel (died)
1.P.Angamuthu ...1st Petitioner/4th Respondent
2.N.Thilakavathi
3.N.Jeyalakshmi
4.M.Ramya
5.Minor M.Mahishavarthini
6.Minor Harshvarthan
7.N.Senthil Kumar ...Petitioners 2 to 7/Legal Heirs of
1st respondent
8.Arumbu
9.Umamaheshwari
10.Usharani
11.P.Vetrivel
12.T.Rajesekar
13.P.Vijayakumar
14.T.Jeyaseelan
15.V.Ramasamy
16.R.Dineshkumar
17.P.Sumathi ... Petitioners 12 to
17/Legal Heirs of 3rd respondent
(minor 5 & 6 Rep through their mother Ramya 4th Petitioner)
vs.

1.A.Santhanam
2.Srinivasan ... Respondents/Petitioners

PRAYER: Civil Revision Petition is filed under Section 6-B of the Tamil Nadu Cultivating Tenants Protection Act, 1955 along with Section 115 of C.P.C., against the order in Petition No.13 of 2012, dated 10.02.2017 on the file of the Revenue Court, Thanjavur.

For Petitioners	:	Mr.R.Rajaraman
For Respondents	:	Mr.V.K.Vijayaraghavan for Mr.M.R.S.Prabhu



O R D E R

The Civil Revision Petition has been filed against the order passed by the Revenue Court, Thanjavur in Petition No.13 of 2012, dated 10.02.2017.

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2. The said Petition No.13 of 2012 was filed by the respondents/petitioners for eviction under the provision of Tamil Nadu Cultivating Tenants Protection Act, 1955 and the same was allowed as prayed by the respondents/petitioners. Subsequently, the respondents/petitioners filed an Execution Petition in E.P.No.35 of 2017 before the Revenue Court, Thanjavur. However, against the order passed by the Court below in Petition No.13 of 2012 dated 10.02.2017, the present revision petition has been filed raising an issue that even well prior to the petition No.13 of 2012, the revision petitioners/respondents 1 to 3 were passed away and without impleading their legal heirs, the Petition No.13 of 2012 was filed and order also obtained on 10.02.2017. Therefore, the order passed by the Court below is liable to be set aside.

3. In reply, learned counsel appearing for the respondents/owners of the property fairly submitted that the original cultivating tenants were passed away and inadvertently without impleading the LR's., ie., the persons, who are physically contributing labour, the Petition No.13 of 2012 has been filed. Therefore, he submitted that the order of the Court below may be set aside and remand the matter back to the Court below and liberty may be granted to the respondents/petitioners to implead the LR's., those who are physical contributing labours.

4. Heard the learned counsel for the revision petitioners as well as the learned counsel for the respondents and perused the materials available on record.

5. In view of the submissions made by the learned counsel for the petitioners as well as the learned counsel for the respondents and upon perusal of the records, this Court is of the view that the Court below has passed the order in Petition No.13 of 2012, on 10.02.2017, without impleading the LR's., those who are physically contributing labours. Therefore, it is appropriate to implead the LR's., of the deceased tenants, who are physically contributing labours. Accordingly, the order passed by the Court below in Petition No.13 of 2012, dated 10.02.2017, is set aside and the matter is remanded back to the Court below and the respondents/petitioners are permitted to implead the LR's., those who are physically contributing labour, in the Petition No.13 of 2012, within a period of one month from the date of receipt of a copy of this order. Thereafter, the Court below is directed to dispose of the Petition No.13 of 2012, within a period of three months, after affording opportunity to the LR's., in accordance with law.



6. In the result, the Civil Revision Petition is disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Ad-II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Revenue Court,
Thanjavur.

+1 CC to M/s.V.K.VIJAYARAGAVAN, Advocate (SR-12815[F] dated
17/03/2022)

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-12538[F] dated 16/03/2022)

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KS (CO)

KB (05.04.2022) 3P 4C