



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P(MD)No.2359 of 2017

and

C.M.P(MD)No.11340 of 2017

1.K.S.Surendran

2.K.S.Suryaprakash

...Petitioners/R-4, 7/

L.Rs. of Respondent/

L.Rs. of Petitioner/Landlord

Vs.

1.A.R.Janarthanan

... 1st Respondent/Appellant/Petitioner/
Respondent/Tenant

K.R.Subramanian (Died)

2.T.D.Rajeswari (Died)

3.G.R.Prema

4.A.J.Geetha

5.N.R.Baby @ Sakunthala

... Respondents 2-5/Respondents 2,3,5,6
/LRs of Respondent/
LRs of Petitioner/Landlord

6.T.R.Durai

7.T.D.Balaji

8.T.D.Sumathi

9.T.D.Mani

10.T.D.Sangamala

11.T.R.Karthick

12.T.R.Aarthy

...Respondents

[Respondents 6 to 12 are brought on record as LR's of the deceased 2nd Respondent vide Court order dated 29.03.2022.]

PRAYER: Civil Revision Petition under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960] to set aside the fair and decretal order dated 21.07.2017 passed in R.C.A.No.55 of 2010 on the file of the learned Principal Subordinate Judge (Rent Control Appellate Authority), Madurai, reversing the Fair and Decretal order, dated 21.06.2010 passed in I.A.No.6 of 2009 in R.C.O.P.No.184 of 2004 on the file of the learned District Munsif (Rent Controller), Madurai Taluk, and allow the present Civil Revision Petition.

For Petitioners

: Mr.M.Saravanan

For R-1

: M/s.V.Meenashi Sundaram

For R-3 to R-5

: No appearance

For R-6,7,9 & 10

: Mr.S.Vashik Ali

**ORDER**

This Civil Revision is filed against the fair and decreetal order, dated 21.07.2017 in R.C.A.No.55 of 2010 passed by the learned Principal Subordinate Judge (Rent Control Appellate Authority), Madurai, reversing the Fair and Decreetal order, dated 21.06.2010 in I.A.No.6 of 2009 in R.C.O.P.No.184 of 2004 passed by the learned District Munsif (Rent Controller), Madurai Taluk.

2.The parties are referred to as per the rank mentioned before the Court below.

3.One K.R.Subramanian/landlord has filed a petition in R.C.O.P.No.184 of 2004 to evict the respondent/tenant and during the pendency of the said RCOP he died. All the legal heirs of the landlord were added as petitioners. The tenant has filed a petition in I.A.No.6 of 2009 in R.C.O.P.No.184 of 2004 to dismiss the main petition in R.C.O.P.No.184 of 2004 as not maintainable and the said petition was dismissed on 21.06.2010. Against which, the landlord has filed an appeal in R.C.A.No.55 of 2010. The Appellate authority allowed the said RCA and set aside the order in I.A.No.6 of 2009. Aggrieved over the same, the revision petitioners are before this Court.

4. Heard on either side and perused the material documents available on record.

5.All the legal heirs of the K.R.Subramanian bring on record. The tenancy is also admitted by the landlords. Whether all the co-owners are entertained the RCOP and entitled for the decree can be decided only after trial by the Court below.

6.Considering the facts and circumstances of the case, the learned District Munsif (Rent Controller), Madurai Taluk, is directed to decide the R.C.O.P.No.184 of 2004 after giving opportunity to all the parties.

7.With the above observations, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

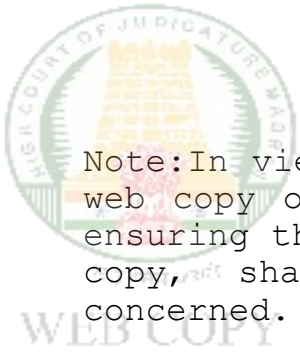
Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Principal Subordinate Judge
(Rent Control Appellate Authority),
Madurai.
2. The District Munsif (Rent Controller),
Madurai Taluk.

+1 CC to M/s.R. SUBRAMANIAN, Advocate (SR-20359[F] dated 22/04/2022)

Order made in
C.R.P (MD) No.2359 of 2017
21.04.2022

SS/01.06.2022 : 3P/4C