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C.R.P.Nos.960, 962, 971 and 973 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.Nos.960, 962, 971 and 973 of 2022

and

C.M.P.Nos.5006, 4956, 4960 and 5011 of 2022

Arumugam (died)

rep by his legal heirs

1.A.Chandrakala

2.A.Velumurugan

3.Hemalatha

4.S.Amutha

... Petitioners in all revisions

Vs.

Kalamani (died)

Kavitha (died)

1.T.N.Magudapathi

2.T.N.Prakasam

3.Vimala Kumari

4.Aruir Selvi

5.Poorani Ravichandran

6.Ezhilmangai

7.Karpagam



8.Elanangai

9.Umarani

10.Nambi

11.Elango

12.Imayavarampan

... Respondents in all revisions

Prayer in C.R.P.No.960 of 2022: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Order dated 20.09.2021 passed in I.A.No.1 of 2019 in I.A.No.146 of 2017 in R.C.O.P.No.95 of 2009 on the file of the learned Rent Controller-cum-Principal District Munsif, Coimbatore.

Prayer in C.R.P.No.962 of 2022: Civil Revision Petition is filed under Article 227 of the Constitution of India against the Order dated 20.09.2021 passed in I.A.No.1 of 2019 in I.A.No.144 of 2017 in R.C.O.P.No.217 of 2010 on the file of the Rent Controller -cum- Principal District Munsif, Coimbatore.

Prayer in C.R.P.No.971 of 2022: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Order dated 20.09.2021 passed in I.A.No.2 of 2019 in I.A.No.146 of 2017 in R.C.O.P.No.95 of 2009 on the file of the learned Rent Controller-cum-Principal District Munsif, Coimbatore.

Prayer in C.R.P.No.973 of 2022: Civil Revision Petition is filed under



Article 227 of the Constitution of India to set aside the Order dated 20.09.2021 passed in I.A.No.2 of 2019 in I.A.No.144 of 2017 in R.C.O.P.No.217 of 2010 on the file of the learned Rent Controller-cum-Principal District Munsif, Coimbatore.

For Petitioners : Mr.T.M.Ramalingam
in all revisions

For Respondents : Mr.R.Apoorna
for M/s.Sarvabhauman Associates
for R2 to R8, 10 and 11
in all revisions

Mr.I.M.Siddartha Ramarajan
for R12 in all revisions

No appearance for R1 and R9
in all revisions

COMMON ORDER

These Civil Revision Petitions are filed to set aside the orders dated 20.09.2021 passed in I.A.No.1 & 2 of 2019 in I.A.No.146 of 2017 in R.C.O.P.No.95 of 2009 and I.A.Nos.1 & 2 of 2019 in I.A.No.144 of 2017 in R.C.O.P.No.217 of 2010,

2. Admittedly, the revision petitioners are the tenants and inherited the tenancyship from the original tenant, who is none other than



their father. The landlord instituted eviction proceedings and also for fixation of fair rent. During the pendency of the RCOP, the original landlord died and the petition was filed to implead class II legal heirs, since the original landlord has no class I legal heirs. The Trial Court considered the Interlocutory Application filed to implead the legal heirs of the deceased landlord and to condone the delay in filing the Interlocutory Application. Since the landlord has no class I legal heirs, it took some time for the class II legal heirs to file an appropriate application to implead, more so, a civil Suit was also instituted. The Trial Court considered the issues and allowed the impleading petition and by condoning the delay in filing the petition. The issues are to be decided on the merits in the RCOP proceedings, which were instituted by the deceased landlord.

3. Right to Property is a Constitutional right. It can be interfered with only by an authority of law. Right of a tenant is limited to an extend of the terms and conditions agreed between the parties. In the present case, the revision petitioners have no agreement nor the landlords permitted the revision petitioners to continue in the subject premises. Thus, the revision petitioners made an attempt to squatter the property, which belongs to the



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deceased landlords knowing the fact that there is no class I legal heirs and objecting the impleadment of the class II legal heirs in the proceedings. Parties cannot be allowed to abuse the process at any circumstances and the Courts are bound to decide the issue as expeditiously as possible, when such attempts are made by any one of the parties.

4. In the present cases, the revision petitioners are the tenants and continued in the subject premises for more than 30 years and the original landlord as well as the original tenant died and the lease was not extended by the legal heirs of the landlord. Taking note of all these facts and circumstances, the Trial Court has to dispose the main RCOP proceedings for eviction as expeditiously as possible and by not granting unnecessary adjournments at the instance of the parties. In event of seeking any unnecessary adjournments on flimsy grounds, exemplary or maximum cost has to be imposed and the petitions are to be decided without causing any undue delay.

5. As far as the present civil revision petitions are concerned, which are filed against the impleadment of the legal heirs by condoning the



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delay in filing such a petitions and this Court do not find any infirmity in respect of findings of the Trial Court and Hence, these Civil Revision Petitions are dismissed. Consequently, the connected Civil Miscellaneous Petitions are also dismissed. However, there shall be no order as to costs.

20.01.2023

rpl/mps

Index : Yes

Speaking order

To

The Rent Controller -cum- Principal District Munsif,
Coimbatore.



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S.M.SUBRAMANIAM, J.

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