



A.Nos.936 and 938 of 2020

A.Nos.936 and 938 of 2020

S.VAIDYANATHAN,J.

WEB COPY

These Applications have been filed to set aside and to stay the order dated 02.01.2020 passed by the learned AG&OT and permit the Applicants to continue the tenancy.

2. It is submitted by the applicants that they are sons of late Gopal Naidu and their father was a tenant of a shop being administered by the learned AG&OT. It is further submitted that their father had carried on a business along with his partner one Ganesh Patel. After the demise of their father in the year 2017, a new tenancy agreement was executed with the mother of the applicants, namely, G.Navanithammal and their mother thereafter carried on the partnership business. It is also submitted that after the death of their mother on 22.09.2019, the applicants herein approached the learned AG&OT for renewal of tenancy agreement in their name and the learned AG&OT, instead of doing so, recognized the partner of their father as tenant with effect from 01.01.2020 by an order dated 02.01.2020. Aggrieved by the same, the Applicants are before this Court.

3. Learned AG&OT has produced a letter dated 02.01.2020 of Ganesh Patel, who was doing business with the father and mother of the applicants herein, in which, he has indicated his business relationship with Gopal Naidu and



A.Nos.936 and 938 of 2020

S.VAIDYANATHAN,J.

ar

Navanithammal. According to learned AG&OT, the property was sub-let to a third party (probably Ganesh Patel) and no documents were adduced to show that their father were doing business with Ganesh Patel. Since there was a violation of tenancy agreement, the lease was terminated and a new tenant was inducted in the subject property.

4. Even going by the letter of Ganesh Patel, he had stated that he carried on business with the parents of the applicants and after their death, he has been continuing the business solely. When one of the parties to the business has taken out the property for rent, the applicants, who have not established that they still continue their partnership business with Ganesh Patel, can have no grievance and cannot question renewal of agreement entered into between AG&OT and Ganesh Patel.

5. Finding no substance in the applications, ***both the Applications are dismissed.*** However, it is open to the applicants to ascertain as to whether the partnership survived as on the death of their mother Navanithammal or not.

28.07.2023

ar

To:

The Administrator General and
Official Trustee of Tamil Nadu,
High Court, Madras.

A.Nos.936 and 938 of 2020