



C.R.P. No.2336 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.2336 of 2023
and C.M.P.Nos.14206 & 21376 of 2023

Subramani Mudaliar

... Petitioner

Vs

1.G.Margadham (died)
2.G.Murugan (died)
3.N.Selvarani
4.S.M.Sanzaykarthick
5.S.M.Prieethavarshene

... Respondents

PRAYER: Civil Revision Petition is filed under Article 115 of Constitution of India, to set aside the fair and decreetal order in E.A.Sr.No.5552 of 2018 in E.P.No.11 of 2018 in R.C.O.P.No.26 of 2012 on the file of the Additional District Munsif Court, Vellore.

For Petitioner	: Mr.S.Usha
For Respondents	: Mr.R.Ramesh for R3 to R5 R1 & R2 died



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ORDER

WEB COPY This civil revision petition has been filed to set aside the fair and decreetal order in E.A.Sr.No.5552 of 2018 in E.P.No.11 of 2018 in R.C.O.P.No.26 of 2012 on the file of the Additional District Munsif Court, Vellore.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 3 to 5.

3. The deceased first respondent's husband late S.Gejaraj Mudaliar was the absolute owner of the schedule mentioned non-residential building by the registered Partition Deed dated 24.02.1969. After the demise of her husband on 25.08.2008, the deceased first respondent became the absolute owner of the said property as per the registered will dated 04.05.2005. The deceased first respondent herein executed a registered Power of Attorney in favour of her son Mr.G.Murugan, the second respondent herein on 30.10.2008 to act on her behalf. The petitioner is the tenant of the afore mentioned property and he has taken lease of the property from late



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S.Gejaraj Mudaliar from 15.08.1976 to 14.08.1977 for a rent of Rs.100/- per month and the amount of rent has been enhanced to Rs.125/- per month from 14.08.1979 and in the year 2005, the rent was enhanced to Rs.600/- per month and the petitioner is doing engineering works in the schedule mentioned property under the name and style of M/s.Sri Kamala Vinayagar Engineering Works and he agreed to pay a monthly rent of Rs.600/- per month on or before 5th day of every English Calender month. The last payment of rent paid by the petitioner was on October 2005 and the petitioner was evading to pay the rent from November 2005, inspite of the repeated demands made by the respondents.

4. Thereafter, the respondents filed rent control proceedings for eviction and also filed an application in I.A.No.103 of 2014 under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act against the petitioner for default in payment of rent. The petitioner raised objection to the application stating that there was no landlord-tenant relationship and therefore, the question of payment of rent does not arise and he is the owner of the premises by virtue of his purchase from Raman @ Ramalingam. The



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petition for eviction is with respect to Door No.12 for which one Murugesan is a tenant. Subsequently, the respondents filed an application in I.A.No.85 of 2015 to amend the schedule of property and the same was allowed. Challenging the same, the petitioner preferred a revision. Similarly, an appeal was filed before the Rent Control Appellate Authority against the order passed in I.A.No.103 of 2014. Against the same, E.A.Sr.No.5552 of 2018 has been filed by the petitioner under Section 47 of CPC before the Additional District Munsif Court, Vellore. The said application was rejected with the observation that the same is not maintainable and it has been filed only to protract the proceedings. Aggrieved by the said order, the present civil revision petition is filed.

5.Today, when the matter is taken up for hearing, the learned counsel for the respondents stated that R.C.A.Nos.9 and 16 of 2018 are pending before the Sub Court, Vellore and the same are posted for arguments on 05.12.2023. Learned counsel therefore submitted that E.P.No.11 of 2018 may be ordered to be kept pending till disposal of the RCA.



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6. Considering the submission made by the learned counsel for the parties, the petitioner is directed to work out his remedy before the appellate court as he has raised the very same ground that he is the absolute owner of the subject property in the pending R.C.As also. E.P.No.11 of 2018 is ordered to be kept pending till disposal of the RCA Nos.9 and 16 of 2018.

7. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

30.11.2023

Index : Yes/No
Speaking Order : Yes/No
vkr

To

The Additional District Munsif Court, Vellore.



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T.V.THAMILSELVI, J.

vkr

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