



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2023

CORAM

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI

C.R.P.Nos.1794, 1797, 1798 and 1808 of 2023

1.K.M.Boopathi
2.S.P.Santhakumari

...Petitioners

Vs.

1.V.Sampath
2.G.Nittyananthan
3.K.G.Ganeshkumar

...Respondents

Prayer in C.R.P.No.1794 of 2023:Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree made in I.A.No.11 of 2021 in I.A.No.17 of 2019 in RCOP No.9 of 2018 on the file of the District Munsif, Katpadi, Vellore District dated 11.04.2023.

Prayer in C.R.P.No.1797 of 2023:Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree made in I.A.No.10 of 2021 in I.A.No.15 of 2019 in RCOP No.9 of 2018 on the file of the District Munsif, Katpadi, Vellore District dated 11.04.2023.

Prayer in C.R.P.No.1798 of 2023:Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree made in I.A.No.9 of 2020 in RCOP No.9 of 2018 on the file of the District Munsif, Katpadi, Vellore District dated 11.04.2023.

Prayer in C.R.P.No.1808 of 2023:Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree made in I.A.No.12 of 2021 in I.A.No.03 of 2020 in RCOP No.9 of 2018 on the file of the District Munsif, Katpadi, Vellore District dated 11.04.2023.



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In C.R.P.No.1794 of 2023

For Petitioners : K.A.Ravindran

For Respondents : Mr.P.Tamilavel for R2 & R3
: Unclaimed for R1**In C.R.P.Nos. 1797, 1798 and 1808 of 2023**

For Petitioners : K.A.Ravindran

For Respondents : Mr.P.Tamilavel for R2
: Unclaimed for R1 and R3**COMMON ORDER**

The present Civil Revision Petitions are filed to set aside the order and decree made in I.A.No.11 of 2021 in I.A.Nos.17, 15 and 03 of 2019 in RCOP No.9 of 2018 on the file of the District Munsif, Katpadi, Vellore District dated 11.04.2023.

2.Learned Counsel for the Petitioner submits to implead him as Second Petitioner and also permit to contest the suit. Both the applications are objected by the tenant stating that proposed party has no *locus standi* to proceed with the proceedings in RCOP No.9 of 2018, further would submit that there is no cause of action against the proposed party, that apart general



provisions of Code of Civil Procedure is not applicable in the present Civil Revision Petitions, considering that the purchaser/the petitioner who purchased the property during the pendency of the proceedings is not entitled to proceed with the matter, accordingly it was dismissed.

3.Challenging that Learned Counsel for the Civil Revision Petitioner further submits that he purchased the property during the pendency of the proceedings, as per the recital of the sale deed, he was permitted to receive the arrears of rent in the above mentioned RCOP No.9 of 2018 proceedings but the Learned Judge has held that as there is no land-lord and tenant relationship and the sale deed is for valuable consideration. It also reveals that this purchaser also brought to the knowledge of the tenant immediately. But the tenant has committed an willful default in paying the rent to him, in spite of the notice has not paid the rent for the four shops. When it was enquired by this court the learned Counsel for the Respondents admitted that he was irregular in paying the rent. When the tenant has committed an willful default as on date, he contested that with a *mala-fide* intention and which is not permissible in law. As per recitals of the sale deed, he was



permitted to collect rent. Sale deed is in force. Hence the Revision Petitioner is permitted to implead himself as land-lord for the proceedings which is for a valuable consideration the right to protect his right and to defend the case may be convicted.

4. Admittedly he purchased the property and now he became owner of the property, as such he is entitled to proceed with the case, all the civil revision petitions stand allowed with a direction to dispose the case within a period of three (3) months from the date of receipt of copy of this order.

5. With the above discussions and directions, these civil revision petitions are allowed. No costs.

21.11.2023

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking : Yes/No

nst

To:
The District Munsif Judge,
Katpadi,
Vellore.



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T.V.THAMILSELVI .J.,

nst

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