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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMIL SELVI

CRP.No.4341 of 2023

Mr.Vivekananadan

... Petitioner

Vs.

1. Mr.Mohamood Maraicar

2. Mr.V.R.Ramalingam

Prop.M/s Arinaa Service Apartment

... Respondents

Prayer : Civil Revision Petition filed under Section 115 of CPC to set aside the decree and order passed in E.A.Sr.No.45744 of 2023 in E.P.No.4006 of 2022 in Arbitration Case No.1 of 2022 dated 28.07.2023 passed by the learned X Assistant City Civil Court, Chennai.

For Petitioner : Mr.S.Nagarajan

ORDER

The petitioner has filed this petition to set aside the decree and order passed in E.A.Sr.No.45744 of 2023 in E.P.No.4006 of 2022 in Arbitration Case No.1 of 2022 dated 28.07.2023 passed by the learned X Assistant City Civil Court, Chennai.



2. As a 3rd party, the petitioner has filed an application before the Executing Court to implead him as 2nd respondent in E.P.No.4006 of 2022, that application was dismissed by the Executing Court stating that as per the decree passed in Arbitration Case No.1 of 2022 dated 13.06.2022, the decree holder has now filed EP to take possession of the property. Originally, the respondent / Judgement Debtor is a tenant against whom he got the order now for delivery. At this stage, the revision petitioner has filed an application to implead him as a necessary party. Admittedly, he is a sub-tenant under the original tenant / Judgement Debtor. So, he has no independent right, and the same was dismissed. As rightly observed by the learned trial Judge, this order needs no interference by this Court.

3. The learned counsel for the decree holder submitted that they are paying rent regularly to the Judgement Debtor and without his knowledge, eviction proceedings are initiated, so he wants to implead himself now as a party. Admittedly, the revision petitioner is a sub-tenant under the Judgement Debtor / main tenant, therefore the decree obtained against the main tenant will also applicable to the sub-tenant, which needs no interference by this Court.



4. The revision petitioner is directed to evict the premises within a period of 3 months from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision petition is dismissed. There shall be no order as to costs.

08.12.2023

Index : Yes/No

Speaking order / Non speaking order

Neutral Citation: Yes/No

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To

1.The learned X Assistant City Civil Court,
Chennai.

2. The Section Officer,
VR Section, High Court of Madras.



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T.V.THAMIL SELVI, J.

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