



C.R.P.No. 4821 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4821 of 2023

and

C.M.P.No. 28614 of 2023

Naresh Desingh

.. Petitioner

Vs

1.J.M. Sadiq Sait

2.Anis Asif

3.Naaz Jaffar

4.B.N. Desingh

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the record relating to the docket order dated 02.11.2023 passed in the E.A.S.R.No.477 of 2023 in E.P.No.2 of 2023 in R.C.O.P.No.10 of 2012 on the file of the Rent Controller cum District Munsif, Coonoor.

For Petitioner : Mr. V. Govardhanan



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ORDER

This Civil Revision Petition is filed challenging the docket order passed by the executing Court in unnumbered E.A.SR.No. 477 of 2023 in E.P.No.2 of 2023 in RCOP.No.10 of 2012 on the file of the Rent Controller cum District Munsif, Coonoor.

2. The revision petitioner is said to be third party objector and also is the son of the judgment debtor / tenant. According to the revision petitioner, he filed application before the executing Court raising objection stating that he is also a co-owner along with his father and running a business along with his father. Further stated that by spending huge amount, he put up superstructure and also raised objection not to execute the decree but already RCOP was contested by his father and he was directed to vacate on the ground of wilful default. Now, to execute the decree, the landlord preferred the appeal.

3. The landlords / respondents herein are aged about more than



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75 years old but now, by way of obstruction, the present petition is filed by the son of the tenant, as such is not permissible one. All the grounds raised by the present revision petitioner was already decided. Though he claimed himself as a co-owner / co-partner, even assuming that he is a co-owner or co-partner, eviction order against the co-owner is bound by other co-sharer also is settled proposition. Therefore, the trial Judge rightly rejected, needs no interference.

4. In the result, the Civil Revision Petition is dismissed as no merits. Consequently, connected miscellaneous petition is closed. No costs.

21.12.2023

Index :Yes/No
Neutral Citation :Yes/No

AT

To
The Rent Controller cum District Munsif, Coonoor.



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T.V.THAMILSELVI, J.

AT

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