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C.R.P.No. 3992 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No. 3992 of 2018

and

CMP No.22137 of 2018

Deivasigamani (died)

Manibalan

....

Petitioner

Vs

1. Sellappa Rayar

2. Velmurugan

....

Respondents

Prayer: Civil Revision Petition filed under Section 6B of the Tamil Nadu Cultivating Tenants Protection Act, 1955 to set aside the order passed in C.T.P No.8 of 2017 on the file of the Revenue Court, Cuddalore dated 05.02.2018 for disposing the proceedings on merits by allowing this CRP.

For Petitioner : Mr.A.Muthukumar

For R1 : Dr.P.Jagadeesan

For R2 : Died (Steps due)



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ORDER

This Civil Revision Petition has been filed to set aside the order dated 05.02.2018 passed in C.T.P No.8 of 2017 on the file of the Revenue Court, Cuddalore, thereby dismissing the petition to set aside the ex-parte order dated 05.02.2018.

2. The father of the petitioner was a cultivating tenant who filed a petition in C.T.O.P. No.12 of 2005. The respondents also filed a petition for evicting the petitioner's father on the ground of default in payment of lease amount. The father of the petitioner was suffering from Jaundice and as such, he was absent before the Revenue Authority and an ex-parte order was passed on 05.02.2018. In order to set aside the same, his father filed an application and the same was rejected by an order dated 01.04.2009. It was challenged by his father before this Court in CRP No.1109 of 2009. This Court, by an order dated 17.07.2017, set aside the order dated 01.04.2009 and directed the Revenue Authority to serve notice to both the parties, afford an opportunity of personal hearing and pass orders on merits in accordance with law. Thereafter, as directed by this Court, the Revenue Court had issued notice dated 18.01.2018 for hearing on 30.01.2018. Thereafter, the



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petitioner did not appear before the Revenue Court and as such, the restoration petition was dismissed. After demise of his father, the petitioner did not take any steps to implead himself as a party to the said proceedings and as such, the Revenue Court rightly dismissed the petition. That apart, under the Tamil Nadu Cultivating Tenants Protection Act, there is no provision to continue the tenancy by the legal heir.

3. Therefore, this Court finds no infirmity or illegality in the order dated 05.02.2018 passed in C.T.P No.8 of 2017 on the file of the Revenue Court, Cuddalore. Accordingly, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.02.2023

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No

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G.K.ILANTHIRAIYAN.J,



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