



C.R.P PD(MD)No.101 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P(MD)No.101 of 2023 and
CMP(MD) No.478 of 2023

M.Rasak

... Petitioner

Vs

1.Shanuba Begam

2.M.Hakkeem

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 28.10.2021 passed in Review Petition No.1 of 2019 in R.C.A.No.3 of 2015 on the file of the Sub Judge, Theni and allow the Civil Revision Petition.

For Petitioner : Mr.N.Rahamadullah

ORDER

This Civil Revision Petition is filed as against the fair and decreetal order passed by the learned Sub Judge, Theni in Review Petition No.1 of 2019 in R.C.A.No.3 of 2015, dated 28.10.2021.



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2.The respondent/landlord has filed a petition for eviction in R.C.O.P.No.12 of 2011, under Section 10(2) (I) 3(9) (iii) (vii) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, before the Rent Controller/District Munsif cum Judicial Magistrate Court, Bodinaickanur, on the ground of willful default and for owners' occupation and the same was allowed by the trial Court, as against which, the petitioner filed an appeal before the first Appellate Court/Sub Court, Theni in R.C.A.No.3 of 2015. The first Appellate Court dismissed the appeal on 18.07.2018. Challenging the same, the petitioner has preferred the Review petition in R.P.No.1 of 2019 to review the orders of the first Appellate Court and the same was also dismissed on 28.10.2021. Aggrieved over the same, the present Civil Revision Petition is filed.

3.The learned counsel appearing for the petitioner submits that the petitioner has disputed the ownership of the property. However,



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the first Appellate Court without appreciating the same, dismissed the appeal and revision preferred by the petitioner.

4.This Court considered the submission made by the learned counsel for the petitioner and also perused the materials placed on record.

5.Having lost in the RCOP proceedings initiated by the respondent/landlord, the petitioner/tenant filed R.C.A.No.3 of 2015 before the first Appellate Court and the appeal was dismissed on 18.07.2018. To review the Judgment of the first appellate Court, the petitioner filed revision petition and the same was also dismissed on 28.10.2021. It is to be noted that the petitioner has disputed the ownership of the subject property even during the trial as well as in the appeal. However, he has not substantiated the same with proper documents. The trial Court and the first Appellate Court have passed



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the order and judgment in favour of the respondent based on the document Ex.P1, sale deed, dated 27.05.1996. The reasons stated by the petitioner in the review application are not acceptable as there is no error apparent on the face of the record.

6.In view of the above, this Court is not inclined to interfere with the orders of the first Appellate Court. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

19.01.2023

Index : Yes / No.
Internet : Yes / No.
vrn

To
The Sub Judge, Theni



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B.PUGALENDHI, J.

vrn

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