



C.R.P.(MD)No.2908 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2908 of 2023
and
C.M.P.(MD)No.14828 of 2023

1.Dharmathurai

2.M.V.M.Gopi

3.T.K.T.T.Prem Anand

4.K.Yogesh : Petitioners/Petitioners 1,2,4 & 5/
3rd Parties

Vs.

1.B.Selvakumari :1st Respondent/1st Respondent/
Appellant

2. Ramanathapuram Vadathisai Hindu
Kshatriya Nadar Uravinmurai Sangam
Rep.by its Secretary,
Vandikara Street, Nadar Pettai,
Ramanathapuram Town,
Ramanathapuram District. :2nd Respondent/2nd Respondent/
Respondent

3.K.K.M.S.Balaji Karthikeyan :3rd Respondent/3rd Petitioner/
3rd Party



C.R.P.(MD)No.2908 of 2023

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order of dismissal passed in I.A.No.1 of 2023 in R.C.A.No.5 of 2014 on the file of the learned Subordinate Judge, Ramanathapuram, dated 11.07.2023.

For Petitioners : Mr.K.R.Laxman

For 2nd Respondent : Mr.H.Thayumanaswamy

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.1 of 2023 in R.C.A.No.5 of 2014, dated 11.07.2023 on the file of the Subordinate Court, Ramanathapuram, dismissing the petition filed under Order 1 Rule 10 (2) C.P.C

2. The second respondent has filed an eviction petition in R.C.O.P.No. 2 of 2013, against the first respondent and eviction was ordered on 11.03.2014; that the first respondent has preferred an appeal in R.C.A.No.5 of 2014 and the same is pending on the file of the Sub Court, Ramanathapuram. During pendency of appeal, the revision petitioners/third parties have filed the above application in I.A.No.1 of 2023 to implead them alleging that they are the administrators of Ramanathapuram Vadathisai Hindu Kshatriya Nadar Uravinmurai Sangam as they were 'Muraikararhal' of the society.



C.R.P.(MD)No.2908 of 2023

3. The second respondent has filed a counter statement raising serious objections. The trial Court after conducting enquiry, has passed the impugned order, dismissing the petition.

4. It is seen from the records that the appeal, despite granting sufficient opportunities for the tenant to advance their arguments, was dismissed for default on 05.12.2018 and that subsequently, at the first instance of the tenant, the appeal was restored to file on 26.04.2022 and that when the appeal was posted for arguments finally, the above application came to be filed. The learned trial Judge, by observing that the petitioners have not produced any iota of evidence to show that they have been administering the Society and managing the properties and they have not offered any reason or explanation for not intervening in the rent control proceeding as well as in the appeal proceedings from 2013 and that the petition is highly belated and there are no merits, dismissed the petition.

5. A cursory perusal of the records would disclose that the proposed parties in collusion with the tenant, have come forward with the above application for impleadment, with the intention to help the tenant to gain time and protract the proceedings as much as possible.



C.R.P.(MD)No.2908 of 2023

6. As already pointed out, the rent control proceedings are pending from 2013 and the above petition came to be filed only in 2023. Considering the above facts and circumstances of the case, the impugned order, dismissing the petition cannot be found fault with. Hence, this Court concludes that the civil revision is devoid of merits and the same is liable to be dismissed.

7. In the result, this Civil Revision Petition is dismissed. Since the rent control proceeding is pending from 2013, the Rent Control Appellate Authority is hereby directed to proceed with hearing of the appeal and dispose of the same within a period of six weeks from the date of receipt of copy of this order, uninfluenced by the observations made in the order, while deciding the Rent Control Appeal. Consequently, connected Miscellaneous Petitions is closed. No costs. The petitioner is liberty to take appropriate proceedings against the second respondent.

07.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



C.R.P.(MD)No.2908 of 2023

WEB COPY **To**

- 1.The Subordinate Judge,
Ramanathapuram.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.2908 of 2023

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2908 of 2023
and
C.M.P.(MD)No.14828 of 2023

Dated : 07.11.2023