



Dated 14.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.937 of 2024
and
CMP.No.4710 of 2024

J.D.Murugesan ... Petitioner

Vs.

1.P.Sowbhagya
Rep.by Power Agent
Mr.B.Yogesh

2.T.P.Bhuvaneswar (@ T.P.Bhuvanesh ... Respondents

Prayer: Civil Revision Petition has been filed under Article 227 of Constitution of India to set aside the order dated 30.11.2023 passed by the District Munsif Court, Krishnagiri in I.A.No.3 of 2023 in R.L.T.O.P.No.1 of 2022 and implead the proposed party as 2nd respondent in R.L.T.O.P.No.1 of 2022.

For Petitioner : Mr.R.N.Amarnath



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ORDER

This civil revision petition has been filed to set aside the order dated 30.11.2023 passed by the District Munsif Court, Krishnagiri in I.A.No.3 of 2023 in R.L.T.O.P.No.1 of 2022 and implead the proposed party as 2nd respondent in R.L.T.O.P.No.1 of 2022.

2.The revision petitioner is the respondent in RLTOP No.1 of 2022 on the file of the District Munsif Court, Krishnagiri. The first respondent herein is the petitioner in RLTOP No.1 of 2022 filed to vacate the schedule mentioned property and to hand over the key to her. Pending petition, the revision petitioner filed an application in IA.No.3 of 2023 to implead the landlord's son/2nd respondent namely T.P.Bhuvaneswar @ T.P.Bhuvanesh as a proposed party on the ground that he had received the rent, which was dismissed on 30.11.2023 by the trial Judge, which is under challenge.



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3. On perusal of the fact, it reveals that the revision petitioner is the respondent in RLTOP No.1 of 2022 filed by the first respondent herein the landlord for eviction, in which, the application in I.A.No.3 of 2023 has been filed by the petitioner /tenant to implead the son of landlord as a proposed party on the ground that he had collected rent from him, which was dismissed by the trial Court on the ground that he is not a necessary party.

4. Further, on perusal of the lease agreement, it reveals that the first respondent/landlord namely P.Sowbhagya and the revision petitioner/tenant namely J.D.Murugesan signed the lease agreement, which is not disputed. Under these circumstances, a necessary party is a person, who ought to have joined as a party and in whose absence no effective decree could be passed at all by the Court. In this case, the landlord filed the petition for eviction on the ground mentioned in the petition. Under these circumstances, seeking to implead the son of the landlord for the reason that he collected rent from the tenant is not a valid ground and he is not a necessary party to adjudicate the petition.



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Therefore, the learned trial Judge rightly dismissed the application and there is no ground to interfere with the same and I find no merit in the civil revision petition. Accordingly, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index:Yes/No
Internet:Yes/No
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14.03.2024

To
The District Munsif Court, Krishnagiri

V.SIVAGNANAM, J.

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