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C.R.P.No.1715 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1715 of 2024

and

C.M.P.No.9039 of 2024

S.Venkateswaralu

... Petitioner

Vs.

1.J.Kamaleewari

2.J.Vinayak

3.J.Vasanth

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to set aside the order of dismissal dated 30.11.2023 passed in M.P.No.2/2022 in R.L.T.O.P.No.593 of 2021 on the file of XV Small Causes Court, Chennai.

For Petitioner : No appearance

For Respondent-2 : Mr.V.Sivakumar
for P.B.Ramanujam Associates



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ORDER

This revision has been filed seeking to set aside the order of dismissal dated 30.11.2023 passed in M.P.No.2 of 2022 in R.L.T.O.P.No.593 of 2021 on the file of XV Small Causes Court, Chennai.

2.The petitioner is the respondent in R.L.T.O.P.No.593 of 2021, which was filed by the first and second respondents, directing the petitioner to vacate and handover vacant possession of the schedule mentioned premises. The petitioner is a tenant and the respondents are landlords. The petitioner entered into a rental agreement in the year 2011 with the second respondent in respect of 900 sq.feet of land and building in the ground floor. The petitioner further entered into a rental agreement with one Vasanth in the year 2013 in respect of 320 sq.feet. Further, 275 sq.feet in the first floor belongs to the said Vasanth, who is the eldest son of first respondent and elder brother of second respondent. Further there is non joinder of necessary



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party, since the said Vasanth not made as a party, who is the co-owner of the schdule mentioned premises. Hence, the petitioner filed M.P.No.2 of 2022 in R.L.T.O.P.No.593 of 2021 to implead the said Vasanth as proposed party in main R.L.T.O.P. The trial Court, by order dated 30.11.2023, on considering the rival submissions observed that the first respondent herein is the owner of the schedule mentioned premises and she filed the above R.L.T.O.P. under Section 21(2)(a) of the Tamilnadu Regulation of Rights and Responsibilities of Landlords and Tenants Act 42 of 2017, to evict the petitioner, in which, the proposed party filed a counter claiming that the property belonged to his maternal grandfather, then to his mother who filed a civil suit in C.S.No.519 of 1995 and thereafter there is no relationship of landlord and tenant. Further the trial Court observed that it is not a title suit and arraying of said Vasanth as party to the proceedings is not required and hence, dismissed the petition filed by the petitioner, against which, the present revision has been filed.



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3.The learned counsel appearing for the second respondent submitted that the first respondent is the absolute owner of the property. Her sons J.Vinayak and J.Vasanth have no independent right over the property as on date and the second respondent was authorised by the first respondent to collect the rent. The petitioner's claim is not sustainable. The petitioner is a total stranger and third party having no relationship with the respondents. He further submitted that main R.L.T.O.P.No.593 of 2021 was allowed by order dated 04.01.2024, directing the petitioner herein to vacate and hand over the vacant possession of the schedule mentioned premises to the respondents within two months from the date of the order, against which, the petitioner filed an appeal in R.L.T.A.No.29 of 2024 before the IV Small Causes Court, Chennai.

4.Earlier, on 23.04.2024, there was no representation on behalf of the petitioner. Today, when the matter is taken up for hearing, there is no



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representation on behalf of the petitioner either in person or through his counsel.

5.In view of the final order already passed in R.L.T.O.P.No.593 of 2021 and the petitioner also filed appeal before the Rent Control Appellate Tribunal, nothing survives in this petition for further adjudication. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

rsi

To

The XV Judge,
Small Causes Court, Chennai.



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M.NIRMAL KUMAR, J.

rsi

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