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C.R.P.(PD).Nos.2182 and 2200 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).Nos.2182 and 2200 of 2021
and
C.M.P.Nos.16566 and 16659 of 2021

1.R.Malathy

2.Raveendran

... Petitioners
(in both CRPs)

VS

R.Ezhilarasi (Deceased)

1.R.Ravichandran

2.R.Aravindhan

3.R.Surya

... Respondents
(in both CRPs)

Common Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the order of Fair and Decretal Order dated 08.09.2021 in M.P.No.1 of 2021 in RCOP Nos.869 and 1491 of 2013 on the file of XII Court of Small Cause at Chennai.



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For Petitioners : Mr.S.Arivazhagan
(in both CRPs)

For Respondents : Mr.V.Sivakumar
for M/s.P.B.Ramanujam
(in both CRPs)

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the Court below allowing the petitions filed by the respondents 1 to 3 to bring them on record as legal representatives of deceased R.Ezhilarasi, who filed rent control eviction and fair rent fixation petitions in her capacity as landlord of the tenanted premises.

2. It is seen from the records that one R.Ezhilarasi filed petitions for eviction as well as fixation of fair rent as against the petitioner. Pending rent control original petitions, she passed away. Thereafter, the respondents 1 to 3 herein filed petitions to bring them on record on the ground as legal representatives of deceased R.Ezhilarasi. It is the case of the respondents that the 1st respondent is the husband of R.Ezhilarasi and respondents 2 and 3 are



children of R.Ezhilarasi through 1st respondent.

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3. The order passed by the Court below was challenged by the petitioner on the ground that landlady R.Ezhilarasi in the eviction petition described herself as wife of one L.Rakshaganathan. Further, when she was examined as PW.1, she clearly deposed that 1st respondent herein R.Ravichandran was her 1st husband and she got divorce from him in the year 2010. Therefore, it is the submission of the learned counsel appearing for the petitioners that 1st respondent after getting divorce cannot be termed as a legal heir of R.Ezhilarasi and hence, the Court below ought not to have allowed the LR petition filed by them.

4. The learned counsel appearing for the respondents made an endorsement in the bundle that the LR petition filed by the respondents may be dismissed as not pressed in respect of 1st respondent-R.Ravichandran alone and other respondents may be permitted to proceed with the case.

5. The petitioners have not disputed the status of the respondents 2 and



3 as children of R.Ezhilarasi.

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6. In view of the endorsement made by the learned counsel appearing for the respondents, the order passed by the Court below allowing the LR petitions in respect of 1st respondent alone is set aside and the impugned order is confirmed in respect of respondents 2 and 3. The eviction petition as well as fair rent petition can be proceeded with by respondents 2 and 3 in their capacity as legal representatives of the deceased R.Ezhilarasi.

7. With these observations, the Civil Revision Petitions are partly allowed by setting aside the order passed by the Court below in respect of 1st respondent alone.

8. The learned counsel appearing for the respondents submits that the Rent Control Original Petitions are of the year 2013 and therefore, a time limit may be fixed to dispose of the main original petitions. Even though this Court is not inclined to fix a specific time limit for disposal of the same, taking into consideration the main original petitions are of the year 2013, the Rent



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Controller is directed to dispose of the same as expeditiously as possible. No costs. Consequently, the connected civil miscellaneous petitions are closed.

10.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The XII Court of Small Cause,
Chennai.



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S.SOUNTHAR, J.

dm

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