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C.R.P.(PD).No.3420 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 03.09.2024

CORAM :

**THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(PD).No.3420 of 2024  
and C.M.P.No.18515 of 2024

D.Irwin (deceased)

1. Sangeetha

2. Jeenath

3. Christy

4. Sharmila James

.. Petitioners

**Versus**

1. Vijayalakshmi

I.Joseph (deceased)

2. Sheela Esther Rani

.. Respondents

(Cause title accepted vide Court order, dated 12.08.2024  
made in C.M.P.No.16796 of 2024 in C.R.P.SR.No.97388 of 2024)

**Prayer :** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order, dated 02.07.2024 passed by the learned XIV Small Causes Judge, Chennai in M.P.No.2 of 2024 in R.L.T.O.P.No.299 of 2023.

For Petitioners : Mr.K.Kulandai Velu

For Respondents : Mr.G.Surya Narayanan, for R1



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**ORDER**

**WEB COPY** This Civil Revision Petition is at the instance of the tenants. The relationship between the parties is not in dispute.

2. The first respondent before me invoked Section 21(2) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, and presented a petition for eviction against one D.Irwin. Pending the proceedings, the said Irwin passed away. The landlord came to know about the death of the tenant only when the notice that was sent by the landlord was returned stating that the tenant had died. Therefore, she took out an application calling upon the tenants to produce the following documents:-

- (i) Death certificate of Irwin;
- (ii) Legal Heirship certificate of Irwin;
- (iii) Aadhar Cards of all the legal heirs who are residing in the petition schedule premises;
- (iv) Death certificate of I.Joseph, the son of Irwin;
- (v) Legal Heirship certificate of I.Joseph; and
- (vi) Aadhar Cards of the legal heirs of I.Joseph who are residing in the property.



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3. This petition was numbered as M.P.No.2 of 2024. A counter-affidavit was received from the legal heirs, who admitted that the original tenant Irwin had passed away and that Irwin is survived by his wife namely, Serapine and daughters namely, Sangeetha, Jeenath, Christy, Sharmila James and son, I.Joseph. They would plead that I.Joseph had subsequently passed away and his records are not available with them. They would also plead that the details of the legal heirs provided in paragraph No.7 of the counter are true and correct and there is no other requirement to produce any other certificate. Insofar as the Aadhar Card is concerned, they would plead that the Aadhar Card is protected under Right to Privacy and therefore, the landlord is not entitled to the same.

4. The learned Trial Judge, by an order, dated 02.07.2024 allowed the application, directing the production of legal heirship certificates of Irwin and I.Joseph and in case they have any apprehension with respect to the production of the Aadhar Cards, to file an affidavit as to who is in possession of premises. Challenging the same, the present Civil Revision Petition is filed.



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5. Heard Mr.K.Kulandai Velu, learned Counsel for the petitioners and Mr.G.Surya Narayanan, learned Counsel for the respondents.

6. This is a simple issue which is unnecessarily sought to be complicated by the tenants. The landlord is entitled to proceed and to take possession of the property from the legal heirs of the tenant, who are in occupation of the property. The fact that the parties who have been impleaded as legal heirs are of the deceased Irwin is not in dispute. The apprehension of the landlord is that at a later date, a new person must not be projected as a legal heir by the tenants pleading that he has been left out from the array of parties. The law of substantial representation demands that even if one legal heir is brought on record, it is sufficient to represent the estate of the deceased. The fact that the civil revision petitioners are the legal heirs of the deceased tenant, Irwin, not being in dispute, this Revision Petition can be disposed of by directing the legal heirs of the deceased tenant to file an affidavit before the Trial Court stating as to which of the legal heirs are in possession of the property. Mr.K.Kulandai Velu submits that the civil revision petitioners are alone residing in the property.



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7. Both sides represent that the case is listed for hearing on 10.09.2024. On that date, the civil revision petitioners shall file an affidavit stating that they are the only legal heirs of Irwin who are in occupation and on that basis, the Court is directed to proceed further.

8. With the above directions, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

Index : yes/no  
Speaking order/Non-speaking order  
Neutral Citation : yes/no  
grs

To

The XIV Small Causes Court,  
Chennai.



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**V.LAKSHMINARAYANAN, J.**

grs

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