



CRP(PD)(MD).No.2828 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.2828 of 2024 and
CMP(MD).No.16213 of 2023

Gnanammal : Revision Petitioner

Vs.

Ponnammal
Sekarpattar

1.Sundari
2.Santhosh
3.Manikandan : Respondent

PRAYER: Civil Revision Petition is filed under Section 151 CPC to call for the records relating to the fair and decreetal order, dated 19.03.2024 made in E.P.No.34 of 2007 in RCOP.No.9 of 2002 on the file of the District Munsif Court, Tiruchendur and set aside the same.

For Petitioner :Mr.T.Antony Arulrajan

For respondent :Mr.M.P.Senthil

ORDER

This Civil Revision Petition is filed against the fair and



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decreetal order, dated 19.03.2024 made in E.P.No.34 of 2007 in RCOP.No.

9 of 2002 on the file of the District Munsif Court, Tiruchendur.

2. The revision petitioner herein is the tenant in the petition mentioned property and as there was a default in payment of rent, the landlord viz., Ponnammal has filed a petition in R.C.O.P.No.9 of 2022 on the file of the District Munsif (Rent Control Authority), Thiruchendur, in which, eviction was ordered. Against which the revision petitioner preferred an appeal in R.C.A.No.19 of 2003 on the file of the Sub Court, Thoothukudi and the same was dismissed on 01.04.2004. In the meantime, the said Ponnammal died on 28.05.2004. Thereafter, one Sekar Patter filed the Execution petition in E.P.No.34 of 2007 based on a Will dated 28.06.1996 and the same was allowed on 16.04.2014. Challenging the same, the revision petitioner herein has filed a petition before this Court in CRP(MD).No.1266 of 2014 and the same was disposed of giving liberty to the said Sekar Pattar to file a petition to implead himself as a party to the proceedings, based on the Will dated 28.06.1996. Thereafter, the said Sekar Pattar filed a petition in E.A.No.41 of 2021 to permit him to proceed with the E.P as owner of the property and the same was allowed on 18.11.2022. Thereafter, the said Sekar Pattar also died. The respondents 3



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to 5 herein filed an application in E.A.No.6 of 2023 in E.P.No.34 of 2007 to implead themselves as LR's of the deceased said Sekar Pattar and the said application was allowed on 19.09.2023 and subsequently, E.P.No.34 of 2007 was allowed on 19.03.2024. Aggrieved by the same, the present Civil Revision Petition is filed.

3. The learned counsel appearing for the revision petitioner would submit that the petitioner is a Senior Citizen and aged about 64 years and she is living with her family in the said premises. He would further submit that the respondents herein are not the Legal heirs of the deceased Ponnammal and therefore, the execution proceedings cannot be maintained and they have no *loco standi* to proceed with the execution proceedings. Hence, the order passed by the Court below requires interference by this Court.

4. On the other hand, the learned counsel appearing for the respondents would submit that based on the Will, dated 28.06.1996 executed by Ponnammal in favour of one Sekar Patter, he was examined as P.W.1 in the main RCOP. After the demise of the said Sekar Pattar, the respondents herein were impleaded as LR's in the execution proceedings



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and therefore, they are entitled to maintain the execution proceedings.

Hence, the impugned order does not require any interference by this Court,

5. Heard both sides and perused the materials available on record.

6. The main RCOP was filed by the deceased Ponnammal in the year 2002 as landlord and the same was allowed and thereafter, the petitioner herein preferred an appeal in RCA.No.19 of 2003 and the same was dismissed on 01.04.2004. However, as on date, the Will relied upon by the respondents was not challenged under any Court of law. Moreover, the revision petitioner has not made any objection in the RCOP proceeding as well as in the RCA and therefore, she cannot be permitted to raise any objection that the respondents have no *loco standi* to maintain the execution proceedings. Therefore, the learned Additional District Munsif, Thiruchendur has rightly held that since there is no order of stay for staying any further proceedings in the execution proceedings and that the decree is in favour of the respondents / landlords, the contention raised by the revision petitioner / tenant cannot be countenanced and rightly allowed Execution Petition. Hence, there is no infirmity or perversity found in the



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order passed by the learned District Munsif Court, Tiruchendur in E.P.No. 34 of 2007 in RCOP.No.9 of 2002 on the file of the District Munsif Court, Tiruchendur.

7. Accordingly, this Civil Revision Petition is dismissed No costs. Consequently, the connected Miscellaneous Petition is closed.

12.11.2024

Index : Yes / No
Internet : Yes/ No
trp

To

The District Munsif Court, Tiruchendur



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