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CRP NPD.Nos.2297, 2307, 2308 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP NPD Nos.2297, 2307, 2308 of 2025

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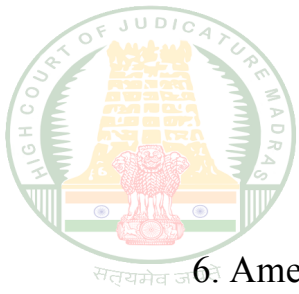
CMP.Nos.13301, 13361 and 13362 of 2025

1. Nawaz Ali
2. M.A.Nawaz Ali
3. Hyder Ali
4. Thulbuhar Ali
5. Riyaz Ali
6. Ansar Ali
7. Azaruddin Ali
8. Benazir Banu
9. Noorjahan
10. Shabir Ali

. . . Petitioners in
all CRPs

Versus

- Zainabi [Died]
K.Babu Sahib [died]
1. A.Liyakath Ali
2. Jayanthi
3. Dilip Kapoor
4. Raj Kapoor
5. Veronica



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6. Ameena

7. Rubiya

Ahamed Hussain [died]

8. Nizamudhin, Proprietor,
Typhans Electrical, Chowdry Complex,
No.224, Dr.Nanjappa Road, Coimbatore – 641 108.

9. Rafi, Proprietor,
Lead Trading, Chowdry Complex,
No.224, Dr.Nanjappa Road, Coimbatore – 641 108.

10. Asian Tools Centre, Rep. by Partners,
Chowdry Complex,
No.224, Dr.Nanjappa Road, Coimbatore – 641 108.

11. Banushah, Prop.
Jam Nagar Brass Components Unit,
Chowdry Complex,
No.224, Dr.Nanjappa Road, Coimbatore – 641 108.

12. Kanta Enerprises Proprietor,
Deepak Aggarwal,
Chowdry Complex,
No.224, Dr.Nanjappa Road, Coimbatore – 641 108.

13. Askar Bai,
Ekohn Diesel Spares,
Chowdry Complex,
No.224, Dr.Nanjappa Road, Coimbatore – 641 108.

14. Faridha, Proprietrix, Abbas Enterprises,
Chowdry Complex,
No.224, Dr.Nanjappa Road, Coimbatore – 641 108. . . . Respondents
in all CRPs



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COMMON PRAYER : Petitions filed under Article 227 of Constitution of India to set aside the Order dated 31.07.2023 passed in E.A.No.154 of 2013 in E.A.No.231 of 2011 in E.P.No.4 of 2011 in RCOP.No.221 of 1995, E.A.No.155 of 2013 in E.A.No.253 of 2011 in E.P.No.5 of 2011 in RCOP.No.223 of 1995 and E.A.No.156 of 2013 in E.P.No.5 of 2011 in RCOP.No.223 of 1995 respectively on the file of the learned Principal District Munsif Court, Coimbatore.

For petitioners : Mr.V.Meenakshi Sundaram

COMMON ORDER

Challenging the Order passed by the Executing Court in allowing the applications filed to implead the legal representatives of the second respondent, viz., the landlord, the tenants have preferred the present revisions.

2. One Babu Sahib, who is the second petitioner in the Execution Petition had died on 10.01.2012. Therefore, an application has been taken out by the legal representatives in the Execution Petition claiming that they are legal heirs of Babu Sahib and they are declared as the legal heirs of Babu Sahib by the Civil Court in O.S.No.629 of 2012 on the file of the District



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Munsif Court, Coimbatore. In the said application, objections have been raised by the revision petitioners stating that the proposed parties are not the legal heirs and the decree obtained by them is a collusive decree and they are not entitled to be impleaded. However, the trial Court had dismissed the objections of the revision petitioners and allowed the applications. Challenging the same, the present revisions have been filed.

3. It is the contention of the learned counsel appearing for the petitioners that the Execution Petition itself has been filed against a dead person. However, when the application filed to implead the legal representatives of the original tenant is pending, the present applications have been filed and the same has been allowed. According to the revision petitioners, the same is not maintainable.

4. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

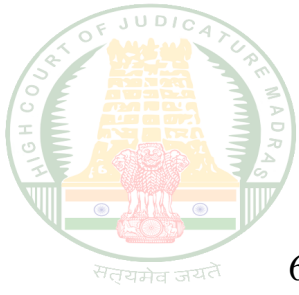
5. The Execution Petition has been filed to take delivery of possession



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of the demised premises. Admittedly, the tenant has lost his case in Rent Controller proceedings, which had reached finality. When Execution Petitions have been filed, it appears that the second decree holder had died and hence, the respondents 1 to 7 have been impleaded on the ground that they have already been declared as legal representatives of late Babu Sahib and the basis on the same, the application has been allowed and they are brought on record. Now the tenants have taken a different stand questioning their title and relationship. This Court is of the view that it is for the legal heirs of the parties, viz., the landlord, to dispute the same. The tenants having suffered the eviction Order cannot invent a new case in the Execution Petition. In the Execution Petition, title cannot be decided and delivery alone has to be effected. Though it is stated by the revision petitioners that originally the Execution Petition has been filed against a dead person, it is also contended that an application has been filed to implead the legal heirs of the original tenant and the same is pending. In such view of the matter, the contention of the revision petitioners cannot be countenanced. Hence, I do not find any merits in this revision.



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6. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

The Principal District Munsif,
Coimbatore.



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N. SATHISH KUMAR, J.

vrc

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