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C.R.P.[NPD].No.2633 of 2024
and C.M.P.No.13831 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.[NPD]No.2633 of 2024
and C.M.P.No.13831 of 2024

Harihara Karrthik
S/o.A.Somasundharam (late)
Proprietor of M/s.Somu Cards,
No.190, NSC Bose Road, Edapalayam,
Chennai – 600 001.

.. Petitioner

Vs.

1.E.Haider Ali
2.H.Fousiya
3.H.ali Khan
4.H.Alsoubyl
Muthulakshmi (deceased)
5.K.Pramila
6.K.Nirmala
7.K.Saroja
8.K.Kamala
9.B.Dhanasekaran

.. Respondents

[Respondents 5 to 9 are impleaded as
per order dated 24.11.2023 in E.A.No.9
of 2023]



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Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order passed on 18.06.2024 in E.A.No.2 of 2020 in E.P.No.416 of 2019 in R.C.O.P.No.1582 of 2015 on the file of the XIV Small Causes Court at Chennai.

For Petitioner : Mr.R.Deepak
For R1 to R4 : Mr.G.RM.Palaniappan

ORDER

Challenge has been made to the order of the Executing Court dismissing the application filed by the revision petitioner as obstructer.

2.The respondents 1 to 4 have initiated the Rent Control Proceedings in R.C.O.P.No.1582 of 2015 seeking delivery of vacant possession of the petition property for their own use and also for demolition and re-construction. The eviction order has been passed against one late Muthulakshmi, who is the original tenant in the petition property. Against the eviction order an appeal has been preferred by late Muthulakshmi and later it was withdrawn by her. When the respondents 1 to 4 initiated the execution proceeding to execute the decree, the revision petitioner took an



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application in E.A.No.2 of 2020 contending that his father was originally inducted as tenant in the petition property and thereafter, Muthulakshmi's husband viz., Kanivel and the petitioner's father constituted a partnership business and carried on the business. After the death of Kanivel, the partnership dissolved and the amount also settled between the petitioner's father and late Muthulakshmi and the petitioner's father was continued the business and now the petitioner is running the business and in the possession of the property. While so, the eviction proceeding has been initiated against Muthulakshmi who is said to be an original tenant and orders have been obtained. The said application was opposed by the respondents 1 to 4 and the Executing Court taking note of the nature of application, objections raised by the petitioner and further no document filed to support the submissions had dismissed the same. Aggrieved over the same, the present Civil Revision Petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner is in possession of the property independently and in fact the father of the petitioner was originally inducted as tenant. However, the



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respondents 1 to 4 without including the petitioner as party to the eviction proceedings had obtained eviction order and the Executing Court without considering the plea of the petitioner had dismissed the application filed by him.

4.Learned counsel appearing for the respondents 1 to 4 submitted that the obstructer has no right over the property. The rent receipt stands in the name of Muthulakshmi and therefore, she was made as a party to the proceedings and hence, prayed for dismissal of the present petition.

5.Heard the learned counsel appearing for the petitioner as well as the respondents 1 to 4 and perused the materials available on record.

6.The revision petitioner has taken a stand that his father has originally inducted as tenant in the petition property and constituted partnership firm along with the husband of late Muthulakshmi. However, to substantiate his submission, he has not produced any materials evidence before the Executing Court. According to him, after resolution of the firm,



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he continued in possession of the property and amount has been settled to Muthulakshmi but, there was no materials whatsoever placed in this regard to substantiate his claims on the basis of the partnership firm. In such view of the matter, this Court does not find any merits in the present Civil Revision Petition.

7.In the result, this Civil Revision Petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is also closed.

27.01.2025

rst

Index : Yes/No
Internet: Yes/No
Speaking/Non-Speaking Order

To:

The XIV Small Causes Court at Chennai.



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N.SATHISH KUMAR, J.

rst

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