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C.R.P.(PD)No.3578 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.3578 of 2024
and C.M.P.Nos.19403 to 19405 of 2024

Manurkula Devanga Vasaga Salai
Rep. by its President, Mr.Sekar,
No. 45, Vaasagasalai Street, Shevapet,
Salem 636 002.

.. Petitioner

Vs

1.Salem Self-Respect Propaganda Institution
Rep. by Mr.Palani Pulliannan,
Nos. 287, 290, Trichy Main Road,
Dadagapatty, Salem 636 006.

2.R.Sivakumaran

.. Respondents

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to set aside the judgment and decree dated 30.11.2022 passed by the learned Appellate Rent Controller (Principal Subordinate Judge), Salem in R.C.A.No.6 of 2018.



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For Petitioner : Mr.Suryanarayanan
for Mr.Rahul Balaji

For R1 : Mr.D.Veerasekaran

ORDER

This civil revision petition challenges the order passed by the learned Principal Subordinate Judge at Salem in R.C.A.No.6 of 2018, dated 30.11.2022 in confirming the order passed by the learned Principal District Munsif-cum-Rent Controller in I.A.No.32 of 2015 in R.C.O.P.No.27 of 2014, dated 09.07.2018.

2.R.C.O.P.No.27 of 2014 had been presented by the civil revision petitioner against the 2nd respondent herein. The petition was under Section 10(2)(1) of the erstwhile Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. In the said proceedings, the 1st respondent herein filed an application to implead itself as a party to the rent control proceedings in I.A.No.32 of 2015. The claim of the 1st respondent is that it is the owner of the property and the civil revision petitioner has no right, title or interest over the same.



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3. Notice was ordered in the application. A counter was filed by the civil revision petitioner. Thereafter, the learned Rent Controller allowed the application.

4. Aggrieved by the same, the civil revision petitioner preferred R.C.A.No.6 of 2018 before the learned Subordinate Judge-cum-Rent Control Appellate Authority at Salem. The said appeal came to be dismissed on 30.11.2022. Hence, this revision.

5. When the revision came up for admission, I pointed out to the learned counsel for the petitioner that an appeal against an order of impleading is not maintainable in terms of Section 23 of the Act 18 of 1960. Though the words “any order” had been inserted in Section 23, it has been interpreted by the Supreme Court and by this Court that it should be “an order” affecting the rights and liabilities of the parties. [See *Central Bank of India Limited v. Gokal Chand*, (1967) 1 SCR 310].

6. An order impleading a person to a proceeding not being one which falls under the said category, the appeal itself is not entertainable.



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If the appeal is not entertainable, then, this civil revision petition also cannot be entertained.

7. Consequently, following the judgment of the Supreme Court cited above, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

30.01.2025
(1/2)

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

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To

The Principal Subordinate Judge,
The Appellate Rent Controller , Salem.



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V. LAKSHMINARAYANAN,J.

Kj

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