



C.R.P.Nos.789 & 895 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.Nos.789 & 895 of 2025

and

C.M.P.Nos.4626 & 5220 of 2025

Y.Saleem Sait

... Petitioner
in both petitions

Vs.

- 1.M.Ashok Chand
- 2.M.Dharam Chand
- 3.M.Jai Chand
- 4.M.Vijai Chand
- K.Bujanga Rao (deceased)
- 5.Sumathi B.Rao
- 6.Ahameed Sheriff
- 7.Narayandass
- 8.Ganeshan
- 9.Fazil
- 10.A.K.Chinnaiah
- 11.A.S.Azam
- 12.Shafiyulla Khan
- 13.A.S.Nurullah
- 14.A.S.AbdulGani
- 15.A.S.Kurseeth
- Rahima Bi (deceased)
- 16.A.S.Mohammed Zafarullah Khan
- 17.Radhakrishnan
- Ragavendra Rao (deceased)
- 18.Jayalakshmi



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- 19.Bhargavi
- 20.Sriram
- 21.Srikrishna
- 22.S.Kanthilal
- 23.S.Lalithkumar
- 24.S.Mahaveerchand
- 25.S.Balchand

... Respondents
in C.R.P.No.789 of 2025

- 1.M.Ashok Chand
- 2.M.Dharam Chand
- 3.M.Jai Chand
- 4.M.Vijay Chand
- S.Mothilal (since deceased)
- B.F.Leelabai (since deceased)
- 5.M.Pushpalatha
- K.Bujanga Rao (deceased)
- 6.Sumathi B.Rao
- 7.Narayandass
- 8.Ganeshan
- 9.Fyzil
- 10.A.K.Chinnaiah
- 11.A.S.Azam
- 12.A.S.Anwar
- 13.Shafiyulla Khan
- 14.A.S.Abdul Gani
- 15.A.S.Kursheeth
- 16.A.S.Mohammed Zafarullah
- Rahima Bi (since deceased)
- Ragavendra Rao (since deceased)
- 17.R.Kumar
- 18.Arun Singh
- 19.Sri Balaji
- 20.P.Samuel
- M.A.Jayraj (since deceased)



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21.Messrs Heeramul Garden Road,

Udhagamandalam.

22.Dr.Ravi Thilagaraj

23.Mani Achari

24.Bhojan

25.Radhakrishnan

26.Jayalakshmi

27.Bhargavi

28.Sri Ram

29.Sri Krishna

30.S.Kanthilal

31.S.Lalithkumar

32.S.Mahaveerchand

33.S.Balchand

Asi Bai (since deceased)

34.Kamma Bai

35.Magha Bai

36.Kamala Bai

37.S.Shanthilal

38.Bhagya Shree

39.J.Mohan

40.Mini

41.J.Sheelee

42.J.Sumii

... Respondents
in C.R.P.No.895 of 2025

Prayer in C.R.P.No.789 of 2025 : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decretal order dated 27.09.2024 in E.A.No.1 of 2023 in E.P.No.42 of 2014 on the file of the Rent Controller, Udhagamandalam, The Nilgiris District.



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Prayer in C.R.P.No.895 of 2025 : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decretal order dated 27.09.2024 in E.A.No.2 of 2023 in E.P.No.43 of 2014 in R.C.O.P.No.34 of 1990 on the file of the Rent Controller, Udthagamandalam, The Nilgiris District.

For Petitioner : Mr.S.Shanmugasundaram
for M/s.R.Muruga Bharathi
in both petitions

For R1 and R2 : Mr.Vishnu Manoharan
for Mr.Vishnu Mohan
in both petitions

For R22 and R23 : Mr.P.Prithivi Chopda
in C.R.P.No.789 of 2025

For R30 and R31 : Mr.P.Prithivi Chopda
in C.R.P.No.895 of 2025

COMMON ORDER

Challenging the orders of the Execution Court dismissing the applications filed by the petitioner under Order 21 Rule 97 of CPC, these revision petitions have been filed.

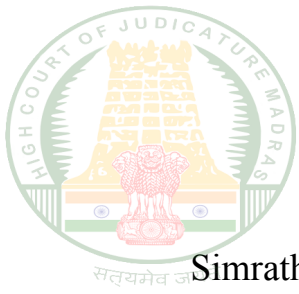


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2.The rent control proceedings have been originally filed by the landlords in R.C.O.P.Nos.249 of 1984 and 34 of 1990 against various tenants. Those matters reached finality in favour of the landlords and eviction has been ordered against the tenants and sub-tenants, etc. The Execution Petitions in E.P.Nos.42 of 2014 and 43 of 2014 have been filed by the landlords to evict the tenants.

3.When the matter stood thus, the present applications have been taken out by the revision petitioner in E.A.No.1 of 2023 in E.P.No.42 of 2014 and E.A.No.2 of 2023 in E.P.No.43 of 2014 under Order 21 Rule 97 of CPC. It is the contention of the petitioner that, originally, the properties were purchased by the petitioners' paternal grandfather Ghulam Hussain Ayub Sait in the year 1929. After his death in the year 1949, the properties devolved upon his legal heirs. However, the Municipality of Ooty filed a suit in O.S.No.177 of 1974 on the file of the Sub-Court, Ootacamund, for recovery of arrears of Property Tax, against one Fathima Bibi, posing her as the wife of the petitioner's grandfather. The said suit has been decreed and in the execution, the properties were put to auction. Thereafter, one



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Simrathmull purchased the properties in public auction. It is his contention that Fathima Bibi, who is said to be the wife of the petitioner's paternal grandfather, is not his legal heir and the other original legal heirs were not impleaded in the suit. Accordingly, it is his contention that he has a right in the property. The said applications were opposed by the landlords.

4.The Execution Court has clearly considered the entire facts and dismissed the applications filed by the petitioner. Challenging the orders of dismissal, the present revision petitions have been filed.

5.Learned counsel for the petitioner states that the petitioner has a right in the property and therefore, his right has to be agitated before the Execution Court under Order 21 Rule 97 of CPC.

6.It is relevant to note that the petitioner is a third party to the proceedings. The proceedings for eviction was initiated in the year 1990 and for more than four decades, the petitioner was sleeping. When delivery order was about to be passed against the tenants in the execution proceedings, the present applications have been filed by the revision



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petitioner claiming that the property originally belongs to his paternal grandfather who had purchased the property in the year 1929. According to him, one Fathima Bibi, against whom the suit has been filed, is not the wife of his paternal grandfather. Hence, it is clear that the petitioner is trying to establish his title at this stage, that too, in the execution petition filed for eviction of tenants. This Court is of the view that the applications are nothing but an abuse of process of law in order to somehow thwart the execution.

7.The rent control proceedings have been filed by the purchaser of the property in the year 1990 and now, atleast 35 years have gone by. At this stage, one cannot claim that he has a right in the property. Even assuming that the petitioner had any right, by operation of law and time, the same has got extinguished. Therefore, at this stage, one cannot lay a claim to agitate his right under Order 21 Rule 97 CPC. As rightly pointed out by the Execution Court, still if the petitioner claims that he has any right, it is for him to establish the same in the manner known to law. Therefore, I do not find any infirmity in the impugned orders of the Execution Court dismissing the applications filed by the petitioner.



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8. Therefore, these Civil Revision Petitions are dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

13.06.2025

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Note : Issue order copy on 19.06.2025.

Internet : Yes

Index : Yes / No

Speaking order / Nonspeaking order

Neutral Citation : Yes / No

To

1. The Rent Controller,
Udhagamandalam,
The Nilgiris District.

2. The Section Officer,
VR Section,
High Court of Madras,
Chennai.



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N. SATHISH KUMAR, J.

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