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CRP.No.5130 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5130 of 2025 and
CMP.No.25865 of 2025

G.Sundararaj

... Petitioners

Vs.

1.S.M.Abdul Wahidh
2. M.Hidayathullah
3. Amsath Nisha

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the order dated 29.08.2025 passed in IA No. 2 of 2025 in OS No. 553 of 2024, pending on the file of V Assistant City Civil Court, Chennai.

For Petitioner

: Mr.G.Muthukumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the court below dismissing the application filed by the petitioner/defendant seeking rejection of the plaint.



2. The respondents herein/plaintiffs filed a suit for ejectment based on the rental agreement between the respondents and the petitioner. It is not in dispute that the petitioner entered into a rental agreement with the respondents with regard to the superstructure. Now, the petitioner filed an application to reject the plaint on the ground that after entering into the rental agreement, he acquired knowledge that the site of the building belonged to a private Wakf and the respondents are not the owners of the site. Therefore, the present application has been filed seeking rejection of the plaint on the ground that the suit filed by the respondent without impleading original owner of the site was not maintainable.

3. Admittedly, the petitioner entered into a rental agreement with the respondents in respect of the superstructure treating the petitioner as tenant of the superstructure. The suit has been laid for ejectment. In these circumstances, the owner of the site may not be the necessary party in a suit for ejectment filed by the respondents based on jural relationship of landlord and tenant. Hence, the petitioner has not made out any case for rejection of the plaint. The application filed by the petitioner has been rightly dismissed by the court below.



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4. However, it is made clear that if any objection is made by the petitioner with regard to the non-joinder, the Trial Court may consider the same on its own merits.

5. With this observation, the Civil Revision Petition stands dismissed. Consequently, the Connected Miscellaneous Petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
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To

The V Assistant City Civil Court, Chennai.



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