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C.R.P.Nos.5298 & 5324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.Nos.5298 & 5324 of 2024 &
CMP.Nos.29550 & 29604 of 2024

M/s.Asian Exchange (India) Private Ltd.,

Rep. by its Director,

1.T.Selvamani

(Formerly M.A.Musthafa,
Amended as per order dated
01.03.2021 in M.P.No.1 of
2020)

2.Mr.Mohamed Yasin

.. Petitioners in CRP.No.5298 of 2024

M/s. GMT Opticals (P) Ltd.,

Rep., by its Director

1.T.Selvamani

2.Mohamed yasin

.. Petitioners in CRP.No.5324 of 2024

Versus

1.R.Sagunthala

K.R.Krishnan (Died)

2.K.Shantha

.. Respondents in both CRPs.

Prayer in CRP.No.5298 of 2024: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order of the learned XII court of Small Causes, Chennai passed in M.P.No.4 of 2023 in RCOP.No.93 of 2020 dated 13.08.2024.



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Prayer in CRP.No.5324 of 2024: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order of the learned XII court of Small Causes, Chennai passed in M.P.No.5 of 2023 in RCOP.No.92 of 2020 dated 13.08.2024.

For Petitioners in
both CRPs. : Mr.K.Thirumalavan

For Respondents in
both CRPs. : Mr.Abrar Md.Abdullah

COMMON ORDER

These civil revision petitions arise against the orders passed by the learned XII court of Small Causes, Chennai in I.A.No.5 of 2023 in RLTOP.No.92 of 2020 and I.A.No.4 of 2023 in RLTOP.No.93 of 2020 dated 13.08.2024.

2. The civil revision petitioners in both the petitions are the tenants. The RLTOPs have been filed for their eviction by the respondents.

3. For the sake of convenience, the parties shall be referred to as per their ranks in the RLTOPs.



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4. RLTOPs have been presented invoking Section 21(2)(a), 21(2)(b) and 21(2)(c) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The petitions were presented by one Sagunthala, her son K.R.Krishnan and her daughter-in-law, K.Shantha.

5. Pending the proceedings, the second petitioner K.R.Krishnan passed away on 04.09.2023. Hence, applications were filed in M.P.No.5 of 2023 in RLTOP.No.92 of 2020 and M.P.No.4 of 2023 in RLTOP.No.93 of 2020 to record the other two petitioners as the legal representatives of the deceased second petitioner.

6. Notice was issued in the petitions. Counters were filed by the tenants in both the petitions.

7. Tenants pleaded that apart from the first and third landlords, the deceased second landlord had left behind his two sons, namely, K.Adhithya and K.Arjun. They pleaded that unless and until, the legal heirship certificate of the deceased K.R.Krishnan is filed, truth will not come out.



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They further argued that the petitions have been filed by omitting other legal heirs and therefore, they are not maintainable.

8. After hearing both sides, the learned Trial Judge allowed the applications. Hence, the revisions.

9. I heard Mr.K.Thirumavalavan for the civil revision petitioners. The landlords are represented by Mr.Abrar Md. Abdullah.

10. Mr.Thirumalavalavan pleads when the deceased second landlord has left behind two other children, they have to be brought on record. He adds, if an application is filed to bring on record the two sons as legal representatives, he has no objection. He pleads, the orders passed by the learned XII Court of Small Causes, Chennai in the applications are erroneous and requires interference.

11. I have carefully considered the submissions of Mr.K.Thirumavalavan



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12. When the legal representatives of the deceased are already on record, there is no necessity to file an independent application to bring on record the other legal representatives. It is too well settled that it would suffice, if a memo is filed bringing it to the notice of the court that the legal representatives are already on record in some other capacity. The said legal representatives, merely represent the estate, of the deceased. In fact, the stand of a legal representative cannot go beyond the stand that is taken by the deceased person.

13. Fortunately in this case, all the three landlords joined together and filed RLTOPs. The deceased is a Hindu and the wife and the mother, who are the class I heirs, are already on record. Therefore, there is no necessity to bring on record the other legal representatives. It is an option given to the legal representatives and the legal representatives have opted to continue the RLTOP proceedings without bringing on record the sons of the deceased. It is not the duty of the tenants to plead on behalf of the sons of the deceased landlord. The mother and the grandmother are capable of taking care of their interests.



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14. In the above discussion, the civil revision petitions are dismissed.

No costs. Consequently, the connected miscellaneous petitions are closed.

15. The learned XII Court of Small Causes is requested to expedite the proceedings in both RLTOPs. The judgments in the two RLTOPs shall be pronounced on or before **28.02.2025**.

09.01.2025

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no



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To

1.The XII Court of Small Causes, Chennai



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V.LAKSHMINARAYANAN, J.

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