



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2025

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.583 & 584 of 2010

and

C.M.P.(MD).Nos.3362 & 3364 of 2024

C.R.P.(MD).No.583 of 2010

1.N.Pichai Udayar (died)

2.Kumaravel

3.Alamelu Mangai

4.Sornambiga

...Petitioners

Vs.

1.Pitchaiammal

2.Nagendran

3.Rajagopal

4.Bakiyam

5.Vadivel

6.Latha (died)

7.Kunju Pillai

8.Baskar

9.Hariharan

10.Prabhakaran



11.Monika

...Respondents

(Petitioner Nos.2 to 4 are brought on record as legal representatives of the deceased sole petitioner vide Court order dated 07.04.2022 made in C.M.P. (MD).Nos.10749, 10751 and 10752 of 2021 in C.R.P.(MD).No.583 of 2010)

(Respondent Nos.8 to 11 are brought on record as legal representatives of the deceased 6th respondent vide Court order dated 07.06.2024 in C.M.P.(MD).Nos. 6245, 6247 and 6248 of 2024 in C.R.P.(MD).No.583 of 2010)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 21.10.2009 made in R.C.A.No.39 of 1998 on the file of the learned Principal Sub Judge-cum-Appellate Authority, Trichirappalli, confirming the fair and decreetal order dated 19.02.1998 made in R.C.O.P.No.255 of 1992 on the file of the Rent Controller-cum-Additional District Munsif, Trichirappalli.

For Petitioners : Mr.V.George Raja
for M/s.Ajmal Associates

For Respondent No.2 : Mr.S.Vinayak

C.R.P.(MD).No.584 of 2010

1.N.Pichai Udayar (died)

2.Kumaravel

3.Alamelu Mangai

4.Sornambiga

...Petitioners

Vs.

Venugopal

...Respondent

(Petitioner Nos.2 to 4 are brought on record as legal representatives of the deceased sole petitioner vide Court order dated 21.03.2024 made in C.M.P. (MD).Nos.3854 to 3856 of 2022 in C.R.P.(MD).No.584 of 2010)



PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 21.10.2009 made in R.C.A.No.51 of 1999 on the file of the learned Principal Sub Judge-cum-Appellate Authority, Trichirappalli, confirming the fair and decreetal order dated 17.11.1998 made in R.C.O.P.No.36 of 1992 on the file of the Rent Controller-cum-Additional District Munsif, Trichirappalli.

For Petitioners : Mr.V.George Raja
for M/s.Ajmal Associates

For Respondent : Mr.M.R.Murugesan

* * * * *

COMMON ORDER

These petitions have been filed seeking to set aside the fair and decreetal common order dated 21.10.2009 made in R.C.A.Nos.39 of 1998 and 51 of 1999 on the file of the Principal Sub Judge-cum-Appellate Authority, Tiruchirappalli, confirming the fair and decreetal order dated 19.02.1998 and 17.11.1998 respectively made in R.C.O.P.Nos.255 and 36 of 1992 on the file of the Rent Controller-cum-Additional District Munsif, Tiruchirappalli.

2. The first petitioner filed a petition in R.C.O.P.No.255 of 1992 before the Rent Controller-cum-Additional District Munsif, Tiruchirappalli, against the respondents seeking eviction of the respondents from the petition mentioned premises and to order delivery of vacant possession to the first petitioner from the respondents with costs. The said petition was allowed on 19.02.1998



directing the respondents herein to vacate the premises and hand over the possession to the first petitioner within a period of three months. Against which, the respondent Nos.1 to 6 filed an appeal in R.C.A.No.39 of 1998 before the learned Principal Sub Judge-cum-Appellate Authority, Tiruchirappalli and the said appeal was allowed on 21.10.2009. Challenging the same, C.R.P. (MD).No.583 of 2010 has been filed before this Court.

3. The first petitioner filed R.C.O.P.No.36 of 1992 before the Rent Controller-cum-Additional District Munsif, Tiruchirappalli, against the respondent seeking eviction against the respondent and to direct the respondent to vacate the premises and to put the first petitioner in possession of the same. The said petition was dismissed by the Rent Controller, Trichirappalli on 17.11.1998. Aggrieved against the same, the first petitioner filed an appeal in R.C.A.No.51 of 1999 on the file of the Principal Sub Judge-cum-Appellate Authority, Trichirappalli and the same was dismissed on 21.10.2009. Challenging the same, C.R.P.(MD).No.584 of 2010 has been filed before this Court.

4. The learned counsel appearing for the petitioners would submit that the deceased N.Pitchai Udaiyar is a landlord and the respective respondents are tenants for wilful default and challenging the title of the deceased N.Pitchai Udaiyar, the first petitioner filed R.C.O.P.Nos.255 and 36 of 1992 on the file of



the Rent Controller-cum-Additional District Munsif, Tiruchirappalli, as against the respective respondents herein. The Rent-Controlling Authority by its order

dated 19.02.1998 and 17.11.1998 dismissed R.C.O.P.No.36 of 1992 and allowed R.C.O.P.No.255 of 1992. As against the dismissal order of R.C.O.P.No.36 of 1992, the first petitioner preferred an appeal in R.C.A.No.51 of 1999 and also against the decree granted by the Rent Controlling Authority in R.C.O.P.No.255 of 1992, the tenants preferred an appeal in R.C.A.No.39 of 1998 and the appeal filed by the first petitioner in R.C.A.No.51 of 1999 was dismissed and the appeal filed by the tenants in R.C.A.No.39 of 1998 was allowed. As against the concurrent finding and reversal finding of the lower Court and the lower appellate Courts, the present petitions have been filed.

5. The learned counsel appearing for the petitioners would submit that during the pendency of the appeals in R.C.A. Nos. 39 of 1998 and 51 of 1999, the suit filed by third parties against the petitioners ended in their favour. As against that judgment, the petitioners preferred an appeal before the lower appellate Court with a delay. In view of the subsequent developments regarding the title to the suit property, the petitioners seek liberty from this Court to file a fresh RCOP against the respondents, in the event he succeeds in the appeal before the lower appellate Court.

6. Heard the learned counsels appearing for the respondents.



7. Accordingly, these Civil Revision Petitions stand dismissed, with liberty to the petitioners to work out their remedy against the respondents after the disposal of the appeal by the lower appellate Court, if they succeed in establishing their title. No costs. Consequently, the connected miscellaneous petitions are closed.

04.06.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1.The Principal Sub Judge-cum-Appellate Authority, Trichirappalli.

2.The Rent Controller-cum-Additional District Munsif, Trichirappalli

3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY

C.R.P.(MD)Nos.583 & 584 of 2010



M.DHANDAPANI, J.

TSG

C.R.P.(MD)Nos.583 & 584 of 2010

04.06.2025