



CRP(MD). No.1766 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1766 of 2021
and CMP(MD) No.9417 of 2021**

Syed Hussaian

... Petitioner

Vs

Badurnisha Beevi,
Represented by Her Power Agent, J. Sheik
Mohamed, S/o. M.K. Jamal Mohamed, T.S.No.
4409, East 3rd Street, Pudukkottai Town..

... Respondent

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India To set aside the fair and decreetal order dated 16-04-2021 passed in I.A.No.109 of 2019 in R.C.A.No.4 of 2014 on the file of the Principal Sub Court, Pudukkotai

For Petitioner : Ms.D.Saranya
For Respondent : Mr.R.Paranjothi

ORDER

This Civil Revision Petition is filed challenging the fair and decreetal order dated 16-04-2021 passed in I.A.No.109 of 2019 in R.C.A.No.4 of 2014 on the file of the Principal Sub Court, Pudukkotai.



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2. The case of the petitioner is that the petitioner is a tenant and against the petitioner/tenant, the landlord filed RCOP for eviction on the ground of onerous occupation and the RCOP was allowed in favour of the respondent against which the petitioner preferred an appeal in RCA No.4/2014 on the file of the Sub Judge, Pudukottai. During the pendency of the appeal, the respondent alienated the property in favour of some third party and the third party, in turn, alienated to some other persons. Hence, the petitioner filed IA No.10/2019 to accept the sale deed presented as additional document under Order XLI Rule 27 read with 151 of the Code of Civil Procedure. However, the said petition was dismissed. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the petitioner is a tenant and during the pendency of the litigation, alienation is impermissible and the said alienation is not brought to the notice of the petitioner and hence, he prays for interference.

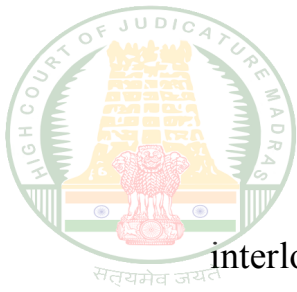


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4. The learned counsel for the respondent, on the other hand, would submit that it is not a money suit or a suit for declaration and it is only a rent control proceedings initiated by the landlord against the tenant and the said proceedings was ended in favour of the landlord, against which, the petitioner herein filed an appeal. Since the proceedings ended in favour of the landlord, the landlord/respondent had alienated the property and the trial Court rightly dismissed the application and hence, the order passed by the Court below need not be interfered with. Accordingly he prays for dismissal.

5. I have considered the rival submissions and perused the materials available on record.

6. It is seen that the landlord has initiated RCOP proceedings in the year 2012 for owners occupation, which was ended in favour of the landlord and hence, the landlord has alienated the property to some third party. Subsequently challenging the said order, the tenant has filed an appeal in the year 2014, which is still pending. Pending appeal, in order to accept the sale deed as additional documents, the petitioner filed an



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interlocutory application and that came to be dismissed on the ground that both the documents are after the orders in the RCOP proceedings and after the date of filing the appeal.

7. It is to be noted that the order came to be passed in RCOP No. 2/2012 is dated 31.01.2014 and the appeal is filed on 02.04.2014. However the documents, which are sought to be presented and marked, are dated 25.01.2018 and 01.02.2016 and the documents are not proper and necessary documents for deciding the appeal and the subsequent alienation will not change the cause of action. Accordingly, the Civil Revision Petition is dismissed. The trial Court is directed to dispose the RCA No.4 of 2014 within three months from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

19.06.2025

NCC : Yes/No
Index : Yes/No

RR



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TO

1.The Principal Sub Court, Pudukkottai

2.VR Section

Madurai Bench of Madras High Court, Madurai.

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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1766 of 2021**

Date : 19/06/2025