



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.2182 of 2024

R.Nagalakshmi

...Petitioner/Claim Petitioner/3rd Party

Vs.

1.S.Azhagarsamy

...Respondent/1st Respondent/Degree Holder

2.A.Ramakrishnan (died)

...2nd Respondent/Tenant/Judgment Debtor

3.R.Dharmabalan

4.R.Ramya

...3rd and 4th Respondents/
Legal heirs of 2nd Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the order dated on 27.06.2024 made E.A.No.20 of 2018 in E.P.No.29 of 2017 in R.C.O.P.No.83 of 2009 on the file of the 1st Additional District Munsif, Tiruchirapalli.

For Petitioner : Mr.S.Rajasekar
for M/s.S.Lenin Prabu

For Respondents : Mr.P.Mahendran for R1

ORDER

The present revision petition has been filed by a third party to R.C.O.P. No.83 of 2009, challenging the dismissal of the claim petition filed in E.A.No. 20 of 2018.



2.The first respondent herein as landlord had initiated the rent control proceedings for evicting the tenant, namely, A.Ramakrishnan. The R.C.O.P. was allowed on 11.02.2015 ordering eviction. The tenant had filed R.C.A.No.10 of 2015 before the Rent Control Appellate Authority/Principal Sub Court, Trichirappalli. The appeal was dismissed on 09.12.2016. Thereafter, the tenant had executed a settlement deed on 25.01.2017, in favour of his wife, settling the petition mentioned property.

3.The tenant had filed C.R.P.(NPD)(MD).No.1579 of 2017 before this Court, challenging the order passed in R.C.A.No.10 of 2015. C.R.P. was dismissed by this Court confirming the order of eviction on 14.11.2017. Thereafter, the landlord had filed E.P.No.29 of 2017. Pending execution proceedings, the tenant had passed away and the wife of the tenant, namely, the present revision petitioner has filed the claim petitioner in E.A.No.20 of 2018 making a claim over the property.

4.In the claim petition, the revision petitioner has contended that the petition mentioned property originally belonged to the grandmother of her husband. After her death, it devolved upon her husband, who had settled the property in her favour on 25.01.2017. She has also relied upon the revenue records in her favour to support of the case. The rent controller after considering



the submissions made on either side has arrived at a finding that the revision petitioner herein has not filed any documents, whatsoever, to establish the fact that the grandmother of A.Ramakrishnan, was the owner of the property at any point of time. The rent controller found that merely, patta or any other revenue records cannot be relied upon for the purpose of claiming the title over the property. The rent controller further found that settlement deed has been executed by A.Ramakrishnan, in favour of the claim petitioner, only after the dismissal of R.C.A.No.10 of 2015. With the above said findings, the rent controller had dismissed the claim petition. Challenging the same, the present revision petition has been filed.

5.According to the learned Counsel appearing for the revision petitioner, in the revenue records, the name of the grandmother of Mr.A.Ramakrishnan is found and the property had devolved upon her husband after the death of his grandmother. Her husband has executed a registered settlement deed in her favour on 25.01.2017. He also relied upon the counter filed by her husband in the main R.C.O.P. proceedings, wherein he had claimed independent right over the petition mentioned property. In such circumstances, he prayed that the claim petition should have been allowed by the rent controller.

6.Per contra, the learned Counsel appearing for the respondents had contended that the contention of the husband of the revision petitioner/claim



petitioner was rejected by all the authorities and ultimately, eviction order was confirmed by the High Court. In such circumstances, the claim petitioner cannot contend that she has been gifted with the property by her husband, who was arrayed as the tenant in R.C.O.P. proceedings.

7.I have considered the submissions made on either side and perused the materials available on record.

8.The facts narrated above will clearly indicate that the revision petitioner has claimed herself to be a third party to the rent control proceedings. In such an event, the application under Section 47 would not be maintainable. However, the application filed under Section 47 could very well be treated as an application under Order 21 Rule 97 of C.P.C. Whenever a claim petition is dismissed under Order 21 Rule 97 of C.P.C, it should be deemed to be a decree under Order 21 Rule 103 of C.P.C. In such circumstances, only an appeal lies before the concerned appellate Court and the present revision petition is not maintainable.

9.The facts captured above further reveals that the revision petitioner herein was not able to place on record any sale deed or any other registered documents to establish the tile of the grandmother of her husband. She has only relied upon certain revenue records which the Court has rightly rejected. In such



circumstances, this Court finds no merits in the revision petition. Accordingly,
this Civil Revision Petition stands dismissed. No costs.

WEB COPY

07.02.2025
2/2

Internet: Yes/No
Index: Yes/No
RJR

To

The learned 1st Additional District Munsif, Tiruchirapalli.

Copy to:-

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



WEB COPY

C.R.P.(MD)No.2182 of 2



R.VIJAYAKUMAR, J.

RJR

C.R.P.(NPD)(MD)No.2182 of 2024

07.02.2025

2/2