



WEB COPY

CRP No. 3792 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 3792 of 2024, CRP NO. 3794 OF 2024
& CRP NO. 3796 OF 2024**

AND

**CMP NO. 20776 OF 2024, CMP NO. 20780 OF 2024
& CMP NO. 20782 OF 2024**

Nisha Agarwal
W/o.Harrish Agarwal, No.26, 3rd street, Samiar
Thottam, Vyasarpadi, Chennai-39

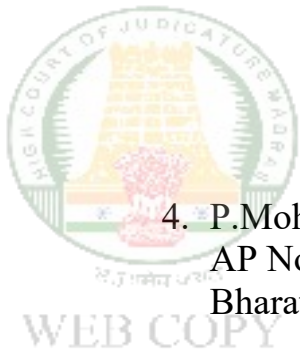
..Petitioner(s) in
all C.R.P.s

Vs

1. E.S.Ramakrishna
S/o.Late E.V.Subramanian,
Presently res at NO.1103, Homestead Lane,
Chadds Ford, Pennsylvania, PA 19317, USA,
Rep.by their Power Agent Mr.K.V.Prasad,
S/o.K.Venkateswaralu,
NO.1-55, Narasaraju Agharam, Sathyavedu,
Chittoor District, Andhra Pradesh Pin-517588
2. E.S.Giribabu
S/o.Late E.V.Subramanian, Presently res at
No.55-215, Mississauga Valley Blvd,
Mississauga, ON L5A1Y7, Canada The

Respondents 1 and 2 both Rep.by their Power
Agent Mr.K.V.Prasad, S/o.K.Venkateswaralu,
NO.1-55, Narasaraju Agharam, Sathyavedu,
Chittoor District, Andhra Pradesh Pin-517588

3. M.Prema
W/o.P.Mohan, Sole Proprietor M/s.Alpha
Enterprises, AP No.908, 11th Cross Street,
Mahakavi Bharathi Nagar, Vysarpadi,
Chennai-39



4. P.Mohan
AP No.908, 11th Cross Street, Mahakavi
Bharathi Nagar, Vysarpadi, Chennai-39

..Respondent(s) in
all C.R.P.s

PRAYER IN CRP No. 3792 of 2024

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Fair order and decreetal order dt. 04.07.2024 made in MP No.1 of 2022 in RLTOP No.346/2021 on the file of the XV Small Causes Court at Chennai and allow the CRP

PRAYER IN CMP No. 20776 of 2024

Civil Miscellaneous Petition filed under Sec.151 of C.P.C., praying to grant an order of interim stay of the operation of the Fair order and decreetal order dt. 04.07.2024 in MP No.1 of 2022 in RLTOP No.346/2021 on the file of the XV Small Causes Court at Chennai pending disposal of the above CRP

PRAYER IN CRP No. 3794 of 2024

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Fair order and decreetal order dt. 04.07.2024 made in MP No.2 of 2022 in RLTOP No.346/2021 on the file of the XV Small Causes Court at Chennai and allow the CRP

PRAYER IN CMP No. 20780 of 2024

Civil Miscellaneous Petition filed under Sec.151 of C.P.C., praying to grant an order of interim stay of the operation of the Fair order and decreetal order dt. 04.07.2024 in MP No.2 of 2022 in RLTOP No.346/2021 on the file of the XV Small Causes Court at Chennai pending disposal of the above CRP

**PRAYER IN CRP No. 3796 of 2024**

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Fair order and decreetal order dt. 04.07.2024 made in MP No.3 of 2022 in RLTOP No.346/2021 on the file of the XV Small Causes Court at Chennai and allow the CRP

PRAYER IN CMP No. 20782 of 2024

Civil Miscellaneous Petition filed under Sec.151 of C.P.C., praying to grant an order of interim stay of the operation of the Fair order and decreetal order dt. 04.07.2024 in MP No.3 of 2022 in RLTOP No.346/2021 on the file of the XV Small Causes Court at Chennai pending disposal of the above CRP

In all CRPs

For Petitioner(s): Mr.Karthik Laksmanan AR.

For Respondent(s): Mr. E.Prabu for R1 and R2
Mr.N.R.Anantha Rama Krishnan
for R3 And R4

COMMON ORDER

Challenging the impugned orders passed in M.P.Nos.1 to 3 of 2022 in RLTOP.No.346 of 2021 by the learned XV Judge, XV Court of Small Causes, Chennai respectively, the Revision Petitioner/1st respondent landlord had preferred these Civil Revision Petitions.

2. Before the trial court, the respondents 1 and 2/proposed respondents 3 and 4 have filed the petitions to permit them to represent and to defend the case through their power agent and to implead them as party respondents 3 and 4 in the petition in RLTOP No.346 of 2021. All the petitions were contested by the



revision petitioner landlord in that petition. On hearing both sides, the trial judge had allowed all the petitions. Aggrieved over that, the revision petitioner/landlord had preferred these Civil Revision Petitions.

3.The learned counsel for Revision Petitioner would submit that the husband of Meenakshi, one Kumarasamy, who is the absolute owner of the property and the said Kumarasamy and Meenakshi had no issues. He would submit that after the death of the said Kumarasamy, she became absolute owner of the property, from her, revision petitioner's vendor one Sujatha had purchased the property and as on date, she claimed that she is the absolute owner of the property based on the sale deed of the year 2020. Thereafter, she filed eviction proceedings against the respondents 3 and 4 herein in RLTOP No.346 of 2021. Pending proceedings, the respondents 1 and 2 had filed a suit claiming themselves as beneficiaries under the Will said to have been executed by Kumarasamy, husband of erstwhile vendor Meenaskhi. He would submit that they have also filed a suit in O.S.No. 163 of 2022 praying to declare the sale deed stands in the name of Revision Petitioner's vendor as null and void. Pending that suit, they have come forward with the said application to implead them and the same was allowed by the trial judge. The learned counsel would also argue that without proving the unregistered Will dated 09.07.1996 relied on by them, the proposed respondents so far have not probated the Will nor they have failed to continue the proceedings, without which, they are not entitled to proceed with the proceedings as absolute owners of property. But the trial judge

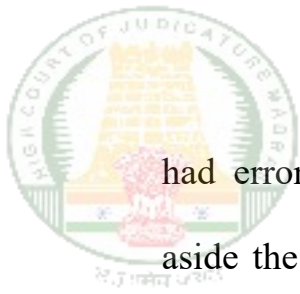


failed to appreciate the same and erroneously granted permission. Therefore, he prayed to set aside the findings of trial judge.

4.The learned counsel for respondents 1 and 2 would submit that during the life time of Kumarasamy, he executed a Will in favour of them, who are brother's son of the said Kumarasamy. Therefore, they are necessary parties to be impleaded in the RLTOP petition.

5.Heard and considered rival submissions made on either side and perused the materials available on record.

6.Admittedly, as on date, the probate proceedings initiated by the respondents was dismissed for default and now they have to take steps to restore the same. But, as on date, the Will has not been probated. Besides, they have filed the suit claiming the relief of declaration in O.S.No. 163 of 2022 after the RLTOP proceedings. Till date, their title is not declared by any of the civil court. However, as on date, the sale deed stands in the name of the Revision Petitioner, who initiated RLTOP proceedings in the year 2021 after her purchase and she had also collected rent from the respondents 3 and 4, who are tenants under the previous owner. Thus, tenancy is not under dispute. After the purchase, she is entitled to initiate eviction proceedings and the same is pending before the Rent Controller. At this stage, the proposed respondents 1 and 2 have filed the petitions to implead them as beneficiaries under the unregistered Will said to have been executed by Kumarasamy. As on date, the Will has not been declared by any Court of law. But, without considering the same, the trial judge



had erroneously granted permission. Therefore, this Court is inclined to set aside the findings rendered in M.P.Nos.1 to 3 of 2022 in RLTOP No. 346 of 2021 on the file of XV Judge, XV Small Causes Court, Chennai. Liberty is granted to the respondents 1 and 2 to raise their defence in that suit and to work out their remedy, however, without influence of the order of this Court, they are entitled to proceed with the matter. Accordingly, these Civil Revision Petitions are allowed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

15-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The XV Judge, XV Small Causes Court, Chennai.



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T.V.THAMILSELVI J.

RPP

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