



C.R.P.(MD)No.871 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.871 of 2026

and

C.M.P.(MD)No.4063 of 2026

A.K.Rajpiriyan

... Petitioner

vs.

1.P.M.Saravanakrishnan

2.P.B.Balasubramanian

Rukkumaniammal (Died)

3.Ramalingam

4.S.K.Balasubramanian

5.S.B.Rubini

6.P.R.Jothilingammal

7.V.S.Padma

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to allow this Civil Revision Petition by setting aside the fair and decreetal order dated 23.02.2026 in I.A.No.1 of 2023 in O.S.No. 179 of 2021 on the file of District Munsif Court, Rajapalayam.

For Petitioner : Mr.M.Thirunavukkarasu



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ORDER

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Heard Mr.M.Thirunavukkarasu, for the petitioner. The 7th defendant is the Civil Revision Petitioner.

2. The bare facts necessary for the disposal of the revision are as follows:

O.S.No.179 of 2021 was originally numbered as O.S.No.342 of 2013 on the file of the Principal District Munsif Court at Srivilliputhur. After the creation of a Munsif Court at Rajapalayam, the said suit was transferred and renumbered as O.S.No.179 of 2021.

3. The said suit is one for permanent injunction. The claim of the plaintiff is that his father, one P.S.Balakrishna Raja had taken a vacant land on lease from one, S.K.Alagu Raja. The lease is said to have been entered sometime in the year 1962. The lease is said to be oral.

4. Balakrishna Raja, after he had taken possession of vacant land, had put up a superstructure and was running a Saw-Mill therein. Subsequently, on account of change of business, the superstructure put up by Balakrishna Raja was being used for plating business.



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5. The plaintiff urged that the lessor Alagu Raja passed away, leaving behind defendants 1 to 6 as his legal heirs. These defendants had alienated the property in favor of the 7th defendant-the Civil Revision Petitioner.

6. The plaintiff further urged that, Balakrishna Raja filed a petition under Section 9 of the Tamil Nadu City Tenants Protection Act of 1921, for a direction to Alagu Raja to sell the vacant land. This application in R.C.No.1 of 1979, seems to have been originally allowed. A revision preferred to this Court came to be allowed, holding that an application under Section 9 cannot be filed independently and can be initiated only when ejectment proceedings are initiated by the lessor.

7. The plaintiff pleaded that, in order to show him as a defaulter, the legal heirs of Alagu Raja refused to receive rents from him. Balakrishna Raja/plaintiff's father passed away on 25.03.2000. Thereafter, the plaintiff claimed that he has been in possession and occupation of the property as his legal heir.

8. The cause of action for the present suit is that, on 18.09.2013, at about 10.00 a.m, the 3rd defendant attempted to



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forcibly dispossess the plaintiff. The plaintiff urged that he cannot be dispossessed from the property except under due process of law. As the attempt of the defendants was illegal, he came forthwith the suit.

9. Summons were served on the defendants. The 7th defendant has also filed a detailed written statement, even when the suit was pending before the Munsif Court at Srivilliputhur.

10. Subsequent to the transfer to Rajapalayam, the 1st respondent herein filed an application to implead himself as a party to the suit. The claim of the 1st respondent herein, namely, Mr.Saravanakrishnan, is that his father, viz., P.B.Murugesan is a son of P.S.Balakrishna Raja and since P.S.Balakrishna Raja is no more and so also his father, he wanted to come on record as the 8th defendant. This application was received by the learned District Munsif in I.A.No.1 of 2023. After the receipt of a counter from the defendants, he allowed the application on 23.02.2026. Challenging the same, the 7th defendant is before this Court.

11. It is the plea of Mr.Thirunavukkarasu that the proposed party has not filed any documents to show that he is in possession of the property or is carrying on electroplating business on his own. He



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further urges that the plaintiff being the *dominus litis*, it is for him to array the parties and since he has not arrayed the 1st respondent as a party to the suit, the 1st respondent is not entitled to come on record. Hence, he pleads that the order requires to be revised.

12. I have carefully considered the facts. I have seen the impugned order. I have applied my mind to the submissions of Mr.Thirunavukkarasu.

13. The facts narrated above shows that defendants 1 to 6 are the legal heirs of the lessor, Alagu Raja. The plaintiff claims possession, not independent of the original lessee Balakrishna Raja, but only as his legal heir. Balakrishna Raja had three sons, viz., P.B.Balasubramanian, P.B.Sakthivel and P.B.Murugesan. The 1st respondent/ proposed party is none else than the son of P.B.Murugesan. When a claim is made by the plaintiff that he is the legal heir of the original lessee, Balakrishna Raja and a right to possession under him, any person who also claims under the said original lessee is entitled to come on record.

14. A reading of the Paragraph No.6 of the plaint shows that the plaintiff is carrying on electroplating business in the premises, but



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seeks to invoke the right under the Tamil Nadu City Tenants Protection Act of 1921 only as the legal heir of the deceased Balakrishna Raja. It is his case that the superstructure was put up by Balakrishna Raja. It is not his case that he has put up the superstructure. On the death of Balakrishna Raja, all his sons, unless a testament or a document intervenes, would be entitled to an equal share. The son of a predeceased son would also have an interest in the estate of the deceased Balakrishna Raja. The proposed party is the son of the predeceased son, P.B.Murugesan. He would only be representing the estate of the deceased and cannot claim any independent right over the same.

15. One serious difficulty that Mr.M.Thirunavukkarasu faces is that the plaintiff is not aggrieved by the order. He is not before this Court. A defendant cannot be permitted to take a plea which a plaintiff can urge before this Court. When this aspect was pointed out, Mr.Thirunavukkarasu states that the 1st respondent has filed the application only at the instigation of the plaintiff, so that the suit is kept pending. This aspect on delay can be addressed by giving appropriate suggestion to the learned District Munsif, Rajapalayam. Pendency of a suit cannot be a ground to revise an order which has



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held that the proposed party, being one of the legal heirs of the deceased lessee, is entitled to come on record.

16. In the light of the above discussion, I do not find any reason to interfere with the order passed by the learned District Munsif, Rajapalayam in I.A.No.1 of 2023 in O.S.No.179 of 2021, dated 23.02.2026.

17. The learned District Munsif, Rajapalayam shall ensure that any additional written statement filed by the 8th defendant shall not exceed any of the pleas that could have been taken by Balakrishna Raja himself. In other words, as the proposed party claims to represent the estate of deceased Balakrishna Raja, the written statement must be confined to those with respect to that aspect alone. He will not be entitled to stake a claim independent of what would be sought as a legal heir.

18. Mr.Thirunavukkarasu states that, in case, there are any averments which requires an additional statement, he shall file the same within 15 days of service of the amended plaint copy on him. Once the pleadings are completed, the learned District Munsif is requested to expedite the proceedings at all stages. This is on account



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of the fact that an injunction suit has been pending on his file for 13 years and more.

19. With the above observations, this Civil Revision Petition is **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

Index :Yes / No

Internet :Yes / No

NCC :Yes / No

Nsr

30.03.2026

Note: Issue Order Copy on 06.04.2026.

To:

The District Munsif Court, Rajapalayam.



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V.LAKSHMINARAYANAN, J.

Nsr

Order made in
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