

**IN THE COURT OF THE RENT CONTROLLER, TIRUTTANI**

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,**

**Rent Controller/District Munsif, Tiruttani.**

Dated the Thursday of 7<sup>th</sup> Day of August 2025

MP.No.4 OF 2025 in MP.No.1 OF 2021 in RCOP.No.2/2018

(CNR.No.TNTR21-000098-2018)

...

M.C. Santhi

... Petitioner/Petitioner/Landlord

/Versus/

1.P.S. Khajahmoigheen (died)

2. S.K. Iqbal

... 1,2 Respondents/1,2 Respondents/1,2 Tenants

3. S.K. Farook Basha

4. S.K. Badurunisa Begam

5. S.K. Mohamad Ali

... 3 to 5 Respondents/3 to 5 proposed Tenants

This petition came up before me for the final hearing on 01.08.2025 in the presence of M/s. M. Mohan Raju, G. Sivakumar, Advocate for Petitioner/Petitioner/Landlord, R1 died, M/s. G. Kamalakannan, Advocates for R2, R4, M/s. V. Senthilkumar, R. Ragupathi, Advocates for R3, R5. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

**ORDER**

The petition is filed by the petitioner order 22 Rule 4 of CPC to implead the legal heirs the 1<sup>st</sup> Respondent.

1. **Petition averments in brief:-**

The 1<sup>st</sup> Tenant P.S. Khajahmoideen died on 22.12.2024 leaving behind his three sons namely S.K. Iqbal, S.K. Farook Basha, S.K. Mohamed Ali and a daughter namely S.K. Baduruisa begam to succeed his estate. Hence they have to be impleaded in M.P.No.1/2021 for proper and final adjudication of matter in dispute. Since S.K. Kqbal is already party as 2<sup>nd</sup> respondent/ Tenant in the above case, hence the proposed parties 3 to 5 as legalheirs of 1<sup>st</sup> Respondents have to be impleaded. Therefore the petitioner filed this petition.

2. **Counter filed on behalf of the 2,4 respondents in brief:-**

This petition is not maintainable either in law or on facts. The petitioner wrongly dragging on the proceedings by way of non filing the steps in time in M.P.No.2/2021 and otherwise filing steps in main RCOP.2/2018. The petitioner

adopting delay in tactics adopting to protracting the proceedings of the case. The 2<sup>nd</sup> Respondent given in time about the legalheirs of deceased 1<sup>st</sup> respondent who is non other than father of the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> Respondent alone tenant under the petitioner and he filed suit for not to evict under due process of law vide O.S.No.100/2015. There is a family dispute between the 2<sup>nd</sup> Respondent with proposed parties mentioned herein. So they are unnecessary parties to the petition. The petitioner ought o file petition under order 22 Rule 4 (4) of CPC as the petitioner very well knows about the tenancy is with this respondent but the petitioner wantonly delaying the proceedings of the case by way of filing this type of petitions. There is no proper and valid reasons are mentioned in the petition. The petitioner is highly belated one. Hence the petition is liable to be dismissed.

**3. Counter filed on behalf of the 3, 5 respondents in brief:-**

This petition is not maintainable either in law or on facts. The petitioner wrongly dragging on the proceedings by way of non filing the steps in time in M.P.No.2/2021 and otherwise filing steps in main RCOP.2/2018. The petitioner adopting delay in tactics adopting to protracting the proceedings of the case. The 2<sup>nd</sup> Respondent given in time about the legalheirs of deceased 1<sup>st</sup> respondent who is non other than father of the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> Respondent alone tenant under the petitioner and he filed suit for not to evict under due process of law vide O.S.No.100/2015. There is a family dispute between the 2<sup>nd</sup> Respondent with these respondents. So these respondents are unnecessary parties to the petition. The petitioner ought to file petition under order 22 Rule 4 (4) of CPC as the petitioner very well know about the tenancy is with 2<sup>nd</sup> respondent. But the petitioner wantonly delaying the proceedings of the case by way of filing this type of petitions. There is no proper and valid reasons are mentioned in the petition. The petitioner is highly belated one. Hence the petition is liable to be dismissed.

**4. Point for determination:-**

Whether the petitioner is entitled to the relief as prayed for? or not?

5. Heard both side. According to the petitioner, the 1<sup>st</sup> Respondent was died

on 22.12.2024 leaving behind his children, as his legal heirs. Already S.K. Kqbal the 2<sup>nd</sup> respondent/ Tenant is party in the above case, hence the proposed parties 3 to 5 as legalheirs of 1<sup>st</sup> Respondents have to be impleaded. Therefore petitioner prays to allow the petition.

6. Respondents resisted the petition by contending that the petitioner wrongly dragging on the proceedings by way of non filing the steps in time in M.P.No.2/2021 and otherwise filing steps in main RCOP.2/2018. The 2<sup>nd</sup> Respondent alone tenant under the petitioner. So the respondents 3 to 5 are unnecessary parties to the petition. There is no proper and valid reasons are mentioned in the petition. The petitioner is highly belated one. Hence, the respondents pray to dismiss the petition with costs.

7. Upon hearing and perusing the records, the case was filed on 2018. This petition filed to impleading the legalheirs of deceased 1<sup>st</sup> respondents. This Court is of view that the proposed parties are the proper and necessities parties to the case and they have to be impleaded for proper adjudication of the case. Hence, in the interest of justice, to prevent multiplicity of proceedings, to provide petitioner an opportunity to prove his case and for proper adjudication of the case this petition has to be allowed.

In the result, this petition is allowed. No cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 7<sup>th</sup> day of August 2025.

Rent Controller/ District Munsif,  
Tiruttani.

Petitioners & Respondents side Exhibits and Witnesses :- Nil

Rent Controller/ District Munsif,  
Tiruttani.