

**IN THE XII COURT OF SMALL CAUSES, CHENNAI**

**PRESENT: Mrs.P. Nithya, B.A., LL.M.,**

**XII JUDGE**

**Thursday the 13<sup>th</sup> day of August 2026**

**M.P. No.4 of 2025**

**in**

**RLTOP.No.595 of 2023**

**(CNR. No.TNCH09-010310-2023)**

1. Mrs. Usha Rajagopal (Deceased)

2. K.R. Mythili,

Mother of the Deceased

3. Vijayalakshmi Krishnan,

Sister of the Deceased

4. Y. Latha Mohan,

Sister of the Deceased

5. Koravi Rajagopal Satyanarayan

Brother of the Deceased

2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> currently residing at

Door No.158, Kutchery Road,

Mylapore, Chennai – 600 004

.....Petitioners/Proposed Respondent Nos.4,5,6,7

**-Vs-**

1. Mr.V.V.R.Krishna Sai

S/o Late Mr.V.V.Seshagiri Rao

2. Ms.V.V.Girija Kumari,

D/o Late. Mr. V.V. Seshagiri Rao

3. Mr.V.V. Sree Hari Rao,

Son of Late. Mr. V.V. Seshagiri Rao

4. Mrs.V.V.Sitarama Prasad

Son of Late. Mr. V.V. Seshagiri Rao

5. Mrs.Turaga Vasu Pranati,

Daughter of Mr. Turaga Raghu Rama Prasad,

Applicants 1 to 5 are residing at

H No. 1-4-160/176/A,

Satyagiri Vihar, OU Teacher Colony,

Near Kandiguda Centre, Sainkपुरi

Hydrabad-500 094

6. Mr.Turaga Raghu Rama Prasad

Son of Late Mr.Turaga Vasudeva Rao,

7. Mr.Turga Sai Kishore,

Son of Mr. Turaga Raghu Rama Prasad,

Applicants 6 & 7 are residing at  
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Sainikpuri, Hydrabad 500 094.

1, 2<sup>nd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> Applicants are rep by their Power Agent  
3<sup>rd</sup> and 4<sup>th</sup> Applicants Based on the  
Power of Attorney dated 23.01.2023

.....Respondents/Applicants

8. Ms. Radha Raghavan  
Sister of the Deceased  
9. Mr.K.R.Srinivasan  
Brother of the Deceased  
Both Respondents are residing  
At Door No.158,  
Kutchery Road, Mylapore,  
Chennai-600004

.....Respondents/Respondent Nos.2 and 3

This petition came up for final hearing before me, in the presence of  
M/s. O. Hasmukh Jain, K. Siranjeevi and T. Kamalesh, Counsels for the  
Petitioners/Proposed Respondent Nos.4,5,6,7 and for the Respondents/Respondent  
Nos.2 and 3 and M/s. T. Thiyagarajan, R. Ashwanth, R. Akshaya, M. Anadha Kumar  
and A. Sharma Infant, Counsels for the Respondents/Applicants and upon hearing  
the arguments of both sides and on perusing of the records and having stood over for  
consideration till this date, this court doth delivers the following:

### **ORDER**

This petition is filed under Order XXII Rule 4 of CPC read with Section 37(1)  
(j) of the The Tamil Nadu Regulation of Rights and Responsibilities of Landlords and  
Tenants Act, 2017 (hereinafter referred to as the TNRRRLT Act).

**The case of the petitioners in brief:**

1. The petitioners are the proposed respondents in the RLTOP 295 of 2023. The said RLTOP was falsely filed against the owner of the petition property Mrs. Usha Rajagopal who died intestate on 06.06.2024 leaving behind the 2<sup>nd</sup> to 5<sup>th</sup> petitioners and the 8<sup>th</sup> and 9<sup>th</sup> respondents as her surviving legal heirs. Despite being aware of legal heirs of deceased Mrs. Usha Rajagopal, the 1<sup>st</sup> respondent filed a petition in M.P. 2 of 2025 to implead only the 8<sup>th</sup> and 9<sup>th</sup> respondents and the same was allowed by this court on 18.08.2025 vide an exparte order.

2. The deceased Mrs. Usha Rajagopal is the owner of the petition premises and on her intestate death, 2<sup>nd</sup> to 5<sup>th</sup> petitioners and 8<sup>th</sup> and 9<sup>th</sup> respondents would become the co-owners of the petition property. Therefore the 2<sup>nd</sup> to 5<sup>th</sup> petitioners are interested parties and are necessary to be impleaded as 4<sup>th</sup> to 7<sup>th</sup> respondents in RLTOP 295 of 2023. Hence this present petition.

**The case of the 1<sup>st</sup> to 7<sup>th</sup> respondents in brief:**

3. The respondents deny that the deceased Mrs. Usha Rajagopal was the owner of the petition premises. It is strongly denied that petitioners herein are the co-owners along with 8<sup>th</sup> and 9<sup>th</sup> respondents as legal heirs of Mrs. Usha Rajagopal. The petitioners' assertion of title and ownership over the petition premises is nothing but false and concocted and baseless without any documentary evidence. Further this

court is a rent court and cannot go into the question title and ownership of the premises. The M.P.7795 of 2024 filed by 8<sup>th</sup> respondent dated 28.02.2024 shows that the 8<sup>th</sup> respondent represented that she is the care taker of Mrs. Usha Rajagopal, who was in vegetative state and sought permission of this court to represent Mrs. Usha Rajagopal. The M.P.7795/2024 was dismissed by this court vide its order dated 09.07.2024 rejecting the claim of the 8<sup>th</sup> respondent on the grounds that a mere care taker cannot represent the party to the proceedings.

4. On 04.10.2024, the 8<sup>th</sup> and 9<sup>th</sup> respondents filed a memo stating that Mrs. Usha Rajagopal died on 10.06.2024, cleverly waiting till disposal of MP.No.775/2024. The 8<sup>th</sup> and 9<sup>th</sup> respondents in their memo dated 04.10.2024 and written submission dated 25.10.2024 have admitted that they are residing in the premises as tenants after the demise of Mrs. Usha Rajagopal and are paying rents. The respondents 1 to 7 filed the impleading petition to implead 8<sup>th</sup> and 9<sup>th</sup> respondents based on their admission.

5. The petition is not maintainable for the reasons that merely they are the legal heirs of deceased Mrs.Usha Rajagopal, they cannot inherit the tenancy and only those who as successors were ordinarily living or working in the premises with the deceased tenant upto his death could fall under Section 6 of the TNRRRLT Act. The petitioners were not ordinarily residing or working in the premises with the deceased tenant Mrs.Usha Rajagopal until her death.

6. The petitioners have filed the present petition only with an intention to drag on the proceedings and to squat on the property without paying rents. The claim of ownership of the premises as successors of Mrs. Usha Rajagopal is baseless and concocted. Hence the petition is liable to be dismissed.

**The case of the 8<sup>th</sup> and 9<sup>th</sup> respondent in brief:**

7. The 8<sup>th</sup> and 9<sup>th</sup> respondent state that the memo dated 04.10.2024 and written submission dated 25.10.2024 were submitted before the court without any instructions. Mrs. Usha Rajagopal was the owner of the premises and mentioned the same in her notice and reply notice during her lifetime itself. After the death of Mrs. Usha Rajagopal, the court directed to implead her legal heirs but the 1<sup>st</sup> to 7<sup>th</sup> respondents impleaded only the 8<sup>th</sup> and 9<sup>th</sup> respondents and the petition was allowed exparte.

8. The petitioners herein are interested parties in the petition premises and they ought to impleaded in the RLTOP as legal heirs of deceased Mrs. Usha Rajagopal. Hence this petition be allowed and this court may be pleased to direct the 1<sup>st</sup> to 7<sup>th</sup> respondent to implead the petitioners herein.

**Point for consideration:**

9. Whether this petition can be allowed?

**Discussion and Decision:**

10. The learned counsel for the petitioners argued that Mrs. Usha Rajagopal was the owner of the petition premises and after her death, it is necessary to implead all her legal heirs. It was argued that the deceased Mrs. Usha Rajagopal in her notice and reply notice to the 1<sup>st</sup> to 7<sup>th</sup> respondents has stated that she is the owner of the premises and is in occupation as a owner not a tenant. It is the contention of the learned counsel for the petitioners that the petitioners along with 8<sup>th</sup> and 9<sup>th</sup> respondents have inherited the premises from deceased Mrs. Usha Rajagopal and have become owners of the same. The learned counsel argued that the 1<sup>st</sup> to 7<sup>th</sup> respondents with false intention impleaded only the 8<sup>th</sup> and 9<sup>th</sup> respondents as Legal Heirs of deceased Mrs. Usha Rajagopal. It was argued that deceased Mrs. Usha Rajagopal was never a tenant under the 1<sup>st</sup> to 7<sup>th</sup> respondents and the memo dated 04.01.02024 and the written submission dated 25.10.2024 has been falsely filed by the counsel for the 8<sup>th</sup> and 9<sup>th</sup> respondent without instructions from the 8<sup>th</sup> and 9<sup>th</sup> respondents. The learned counsel further argued that since the petitioners are the owners of the premises along with the 8<sup>th</sup> and 9<sup>th</sup> respondents, it is necessary to implead them in the RLTOP.

11. The learned counsel for the 8<sup>th</sup> and 9<sup>th</sup> respondents argued on the same lines as that of the petitioners herein. It was argued that the 8<sup>th</sup> and 9<sup>th</sup> respondents did not give instructions to their counsel to file any memo dated 04.10.2024 or written

submission dated 25.10.2024 and that they were filed by their counsel without any authorisation by them. The learned counsel argued that the deceased Mrs. Usha Rajagopal in her notice and reply notice to the 1<sup>st</sup> to 7<sup>th</sup> respondents has stated that she is the owner of the premises and is in occupation as a owner not a tenant. It is the contention that the petitioners are necessary parties to the RLTOP and that they ought to be impleaded.

12. On the contrary, the learned counsel for 1<sup>st</sup> to 7<sup>th</sup> respondents argued that the deceased Mrs. Usha Rajagopal was a tenant under them and that along with her, caretaker the 8<sup>th</sup> respondent was also residing in the premises. After the death of Mrs. Usha Rajagopal, the 8<sup>th</sup> and 9<sup>th</sup> respondents filed a memo dated 04.10.2024 and a written submission dated 25.10.2024 admitting the tenancy and continued to be tenants in the premises by paying rents. The learned counsel argued that the petitioners allege that they are successors of the deceased Mrs. Usha Rajagopal but section 6 of TNRRRLT Act has clearly stated that successors claiming under tenancy under deceased tenant must have been living or working in the premises along with the deceased tenant. It was argued that since the petitioners were not living or working in the premises along with the deceased tenant before her death, they cannot be impleaded as successors of the deceased tenant.

13. The learned counsel for the respondent also argued that after admitting the tenancy, the 8<sup>th</sup> and 9<sup>th</sup> respondents are now supporting the case of the petitioners only to divert the RLTOP proceedings and delay the disposal of the same. The present petition is nothing but abuse of process of the court and is liable to be dismissed.

14. Heard both sides. Rival submissions considered. Written submissions of the 1<sup>st</sup> to 7<sup>th</sup> respondents considered.

15. The 1<sup>st</sup> to 7<sup>th</sup> respondents rely on two documents dated 04.10.2024 and 25.10.2024, This court is inclined to mark the memo dated 04.10.2024 as Ex.R1 and the written submission dated 25.10.2024 as Ex.R2. The contents of Ex.R1 shows that the counsel for the respondent/tenant informed this court that the respondent is a tenant and that she passed away on 10.06.2024 and one brother and one sister of the deceased were staying with the tenant in the premises and are in its possession after the demise of the tenant. The memo in Ex.R1 further revealed that the said brother and sister are willing to pay the rentals to the landlord and that the court may direct the petitioners in RLTOP to implead the legal heirs of the deceased tenant. The 1<sup>st</sup> to 7<sup>th</sup> respondents rely on Ex.R2 which is filed by the counsel for the respondent/tenant wherein it is admitted that the 8<sup>th</sup> and 9<sup>th</sup> respondents are tenants in the premises.

16. Before considering the averments in this petition, the proceedings of the RLTOP must be looked into. The RLTOP was filed by the 1<sup>st</sup> to 7<sup>th</sup> respondent against one

Mrs. Usha Rajagopal seeking repossession of the premises under section 21(2)(a) of the TNRRRLT Act. The notice was served and Advocate Mr. Dinesh Balachandran filed a memo on 18.12.2023 undertaking to file vakalat on behalf of the Mrs. Usha Rajagopal. Accordingly, a vakalath was filed on 21.12.2023 by Advocate Mr. Dinesh Balachandran but the vakalath was not signed by Mrs. Usha Rajagopal but by the 8<sup>th</sup> respondent herein in the capacity of a caretaker stating that Mrs. Usha Rajagopal was in a vegetative state. This court returned the vakalath stating that only a court appointed guardian could represent Mrs. Usha Rajagopal, who is in a vegetative state.

17. On 23.02.2024, the 8<sup>th</sup> respondent herein filed a petition seeking permission of this court to represent the tenant Mrs. Usha Rajagopal but the same was rejected on 09.07.2024. Later, it was brought to the knowledge of this court that said Mrs. Usha Rajagopal died on 10.06.2024 but the was not brought to the knowledge of this court until 04.10.2024. The 1<sup>st</sup> to 7<sup>th</sup> respondents filed a petition to implead th 8<sup>th</sup> and 9<sup>th</sup> respondents as Legal representatives of deceased Mrs. Usha Rajagopal based on the memo dated 04.10.2024 and the same was numbered as M.P. 2 of 2025. It is important to note that the Mrs. Usha Rajagopal, the respondent against whom the RLTOP was filed died on 10.06.2024. Advocate Mr. Dinesh Balachandran filed a memo on 01.07.2025 undertaking to file vakalat on behalf of 8<sup>th</sup> and 9<sup>th</sup> respondents,

they were set ex-parte and M.P. 2 of 2025 was allowed and that is how 8<sup>th</sup> and 9<sup>th</sup> respondent became the 2<sup>nd</sup> and 3<sup>rd</sup> respondents in the RLTOP.

18. Now in the present petition, the petitioners who are allegedly also the legal heirs of deceased Mrs. Usha Rajagopal are seeking permission of this court under section 37(1)(j) of the TNRRRLT Act. On perusal of the averments in the present M.P 4 of 2025, the petitioners deny the title of the 1<sup>st</sup> to 7<sup>th</sup> respondents and claim that Mrs. Usha Rajagopal was the owner of the premises and not a tenant and that the 1<sup>st</sup> to 7<sup>th</sup> respondent along with 8<sup>th</sup> and 9<sup>th</sup> respondents have inherited the premises after the death of Mrs. Usha Rajagopal and thereby are the owners of the premises. The 8<sup>th</sup> and 9<sup>th</sup> respondents also support the contention of the petitioners.

19. The main RLTOP is yet to be decided and the issue involved in the RLTOP is not an issue of title but that of landlord and tenant relationship. The present impleading petition in M.P.4 of 2025 is solely on the grounds of claim of title and ownership of the premises which is outside the scope of jurisdiction of this court. It is true that the 8<sup>th</sup> and 9<sup>th</sup> respondents were brought on record as 2<sup>nd</sup> and 3<sup>rd</sup> respondents in the RLTOP on the grounds that they were residing in the premises along with Mrs. Usha Rajagopal. It is not the case of the petitioners that they were residing or living with the deceased Mrs. Usha Rajagopal in the premises immediately before her death.

20. The petitioners have filed the present petition under section 37(1)(j) of TNRRRLT Act . Section 37(1) states that;

*(1) The Rent Court and the Rent Tribunal, for the purpose of discharging their functions under this Act, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) for the purposes of,-*

21. The Third Edition of Commentaries on The Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, TN. Act 42 of 2017 by **The Hon'ble Mr. Justice P.B.Palaji, Judge, Hon'ble High Court of Madras in page number 234 has explained the scope of section 37(1)(j)** as;

*“From a reading of the sub-clauses of Sub-section of section 37, especially sub-clause (j) it is to be inferred that the powers of a Civil Court vested in the Rent Court and Rent Tribunal are to be limited to only the various purposes set out in the sub-clauses (a) to (i) and sub-clause (j) reserved right to include any other purpose to be prescribed by the Government.”*

22. Though section 37(1) confers on this court the powers vested in a Civil Court under the Civil Procedure Code, 1908 for the purposes mentioned in (a) to (i), it has specifically excluded the powers under order XXII Rule 4 of CPC to bring on record the legal representatives of deceased respondent. When section 37(1) clearly includes powers under sub-clauses (a) to (I) and has omitted the applicability of order XXII Rule 4 of CPC, the petitioners cannot assume that this court has the power to implead the legal representatives under sub-clause (j) when the purpose of sub-clause (j) is reserved for purpose prescribed by the Government and not according to the wishes of the parties.

23. However The TNRRRLT Act is not silent on the status of successors of the deceased tenant.

**24. Section 6 of the TNRRRLT Act;**

*(1) Save as provided in sub-section (2), the tenancy shall cease immediately after the death of the tenant.*

*[(2) In the event of the death of a tenant, the right of tenancy of residential and non-residential premises shall devolve for the remaining period of tenancy to his successors in the following order:-*

*(a) spouse;*

*(b) sons, daughters or daughter-in-law being the widow of a pre-deceased son*

*(c) either or both of the surviving parents:*

*Provided that the successor had been ordinarily living or working in the premises with the deceased tenant upto his death.]*

25. Inheritability of tenancy upon the death of a tenant is permitted under section 6 of the TNRRRLT Act only if the the successors satisfy the statutory requirement in the proviso to the said section. It is not the case of the petitioners that they were residing in the premises with the deceased tenant upto her death, no such mention in the petition. Further there is no evidence to show that the petitioners have satisfied the statutory requirement to claim inheritance of tenancy as provided under section 6 of the said Act.

26. On one hand, the petitioners have denied tenancy and have claimed ownership over the premises in the present M.P 4 of 2025 and on the other hand they are seeking impleadment inside the framework of the rent control proceedings under the TNRRRLT Act. If the petitioners are claiming title and ownership over the property,

they have to agitate that issue before appropriate civil court. As far as in an RLTOP proceeding is concerned, the only issue that could be agitated is that between landlord and tenant and not beyond that. If the present impleading petition is allowed, the same would introduce before this court the larger question of title and succession which are alien to the jurisdiction of this court.

27. Therefore this court based on the foregoing discussion, permitting the impleadment of the petitioners in the RLTOP would widen the scope of the jurisdiction of the rent court by introducing question of title and succession, which do not fall under the jurisdiction of this court. The petitioners have not produced proof to show that they comply with the statutory requirement under the proviso to section 6 of the TNRRRLT Act. Therefore this petition is liable to be dismissed.

**Decision:**

In the result, this petition is dismissed. The parties are directed to bear their own costs.

Dictated by me to the Steno-typist, directly typed by her, corrected and pronounced by me in the open court on this day of the 13<sup>th</sup> day of August 2026.

**XII JUDGE**  
**Court of Small Causes**  
**Chennai**

**Respondents/Petitioners side Exhibits:-**

| <b>Exhibits</b> | <b>Date</b> | <b>Documents and its nature</b>                   |
|-----------------|-------------|---------------------------------------------------|
| Ex.R1           | 04.10.2024  | Memo filed by the Respondent/Tenant               |
| Ex.R2           | 25.10.2024  | Written submission filed by the Respondent/Tenant |

**XII JUDGE  
Court of Small Causes  
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This petition came up for final hearing before me, in the presence of M/s. O.  
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Respondent Nos.4,5,6,7 and for the Respondents/Respondent Nos.2 and 3 and M/s. T.  
Thiyagarajan, R. Ashwanth, R. Akshaya, M. Anadha Kumar and A. Sharma Infant,  
Counsels for the Respondents/Applicants and upon hearing the arguments of both  
sides and on perusing of the records and having stood over for consideration till this  
date, this court doth delivers the following:

**DECREE**

In the result, this petition is dismissed. The parties are directed to bear their own costs.

Given under my hand and seal of this court on this the 13<sup>th</sup> day of August 2026.

**XII JUDGE  
Court of Small Causes  
Chennai**