



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2071 of 2026

1. D.Irwin(Deceased) 1.Serapine,
W/o.Late Irwin, No.130, Old No.108,
Singanna Chetty Street, Chindatripet,
Chennai -600 002.

2. Sangeetha,
D/o.Late Irwin, No.130, Old No.108,
Singanna Chetty Street, Chindatripet,
Chennai -600 002.

3. Jeenath,
S/o.Late Irwin, No.130, Old No.108,
Singanna Chetty Street, Chindatripet,
Chennai -600 002.

4. Christy,
S/o.Late Irwin, No.130, Old No.108,
Singanna Chetty Street, Chindatripet,
Chennai -600 002.

Petitioner(s)

Vs

1. Vijayalakshmi,
W/o.M.K.Santhanam, F1, Arunachala
Nest, 12B Natesa Nagar, 1st Main
Road, 1st Cross Street,
Virugambakkam, Chennai -600 092.

Respondent(s)

**CRP No. 2071 of 2026****PRAYER**

WEB COPY

To set aside the fair and decretal Order dated 17.12.2025 passed by the Learned XIV Judge, Small Causes Court, Chennai, in M.P.No.5 of 2025 in RLTOP.No.299 of 2023 and pass any orders as this Honble Court may think deem fit in the circumstances of the case and thus render justice.

CRP No. 2071 of 2026

For Petitioner(s): MR.R.Karthikeyan

For Respondent(s):

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decretal Order dated 17.12.2025 passed by the Learned XIV Judge, Small Causes Court, Chennai, in M.P.No.5 of 2025 in RLTOP.No.299 of 2023.

2. The respondent herein filed M.P. No. 5 of 2025 in RLTOP No. 299 of 2023 on the file of the XIV Judge, Court of Small Causes, Chennai, seeking to implead petitioners 1 to 4 as respondents, who are the legal heirs of the deceased respondent/tenant, Mr. D. Irwin. Upon hearing both sides, the Trial Court allowed the petition. Aggrieved by the same, the petitioners have filed this Civil Revision Petition.



3. The learned counsel for the petitioners submits that Mr. Irwin, the petitioners' predecessor, died on 19.12.2021, which is prior to 29.03.2023, the date of filing of the eviction proceedings. He contends that the learned Rent Court failed to appreciate the fact that a petition against a deceased person is not maintainable. Therefore, the proceedings filed against a deceased respondent are a nullity and cannot be proceeded with further by way of substitution or impleading applications. Consequently, the eviction petition itself is a nullity from its inception because it was filed against a deceased person. To substantiate his claim, he relied on the judgment of the High Court in the case of *C. Muttu v. Bharath Match Works, Sivakasi*, reported in 1963 SCC OnLine Kar 88. Hence, he prays to allow this petition.

4. On perusing the observations made by the Rent Court, it is seen that when the respondent took notice, the notice was returned with the endorsement that the sole respondent, Mr. D. Irwin, was deceased. Thereafter, the respondent took steps to implead the petitioners as parties in their capacity as the legal heirs of the deceased Mr. D. Irwin. Admittedly, as on date, the petitioners are the legal heirs of the deceased Mr. D. Irwin, they are in possession and enjoyment of the property, and they are the right parties to be proceeded against by the landlord. Therefore, the objection raised by the petitioners' counsel is not sustainable, and the same was rightly observed by the Trial Court, which requires no interference. The judgment relied upon by the learned counsel for the petitioners



is not applicable to the facts of this case.

WEB COPY

5. In the result, this Civil Revision Petition is dismissed. No costs.

Pending miscellaneous petitions, if any, stand closed.

24-04-2026

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The XIV Judge, Small Causes Court, Chennai.
2. The Section Officer, V. R Section, High Court, Madras.



WEB COPY

CRP No. 2071 of 2026



T.V.THAMILSELVI J.
pbl

CRP No. 2071 of 2026

24-04-2026