



WEB COPY

CRP No. 2746 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP No. 2746 of 2026

AND

CMP No. 11378 of 2026

Suresh

Proprietor, Neo Vijaya Lodge,
No.7, Francis Joseph Street,
Chennai 1.

..Petitioner(s)

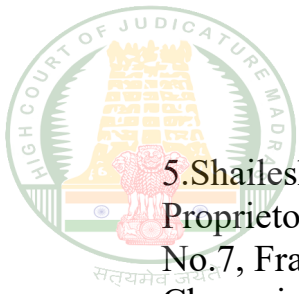
Vs

1.Saifee Jubilee High School
and Madaresae Yusufia Society of Sidhpur,
Joint Secretary, Mr. Yusuf Saifuddin Mamuwala,
Rep by his Power Agent,
Mr. Mohammed Yusuf Madraswala
S/o. Yusuf Husain Ally,
No.12/13, Perianna Maistry Street,
2nd Floor, Chennai 1.

2.K. Ravindranath
S/o. K.M.K. Chowdry,
No.4D, Block 1,
Ramaniyan Water Front,
No.37, Mettu Street.,
Kazhipattur, Chennai 103.

3.Murali
Proprietor, Raja Hair Stylist,
No.7, Francis Joseph St,
Chennai 1.

4.Buvaneshwari
Proprietor, Srinivasan Optical,
No.7, Francis Joseph Street,
Chennai 1.



5. Shailesh
Proprietor, Hare Krishna Opticals,
No.7, Francis Joseph Street,
Chennai 1.

6. Rajendra Singh
Proprietor, Kamini Opticals,
No.7, Francis Joseph Street,
Chennai 1.

7. Kumari
No.7, Francis Joseph Street,
Chennai 1.

8. Sridhar
Proprietor, Sri Opticals
No.7, Francis Joseph Street,
Chennai 1.

..Respondent(s)

CRP No. 2746 of 2026

To set aside the order dated 01.04.2026 in EA No.5 of 2026 in EA No.1 of 2025 in EP No.1018 of 2025 in RLTOP No.475 of 2024 passed by the learned XIV Judge Court of Small Causes, Chennai.

CMP No. 11378 of 2026

To stay all further proceedings in EP No.1018 of 2025 in RLTOP No.475 of 2024 pending on the file of the learned XIV Judge, Court of Small Causes, Chennai pending disposal of the CRP.

CRP No. 2746 of 2026

For Petitioner(s): Mr. B.Hari Krishnan

For Respondent(s): Mr. S.Ramesh Kumar for R1

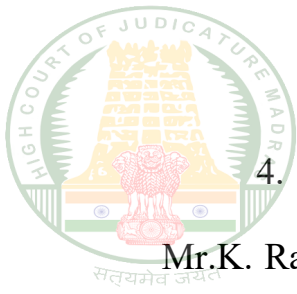


ORDER

This Civil Revision Petition has been filed to set aside the order dated 01.04.2026 in E.A No.5 of 2026 in E.A No.1 of 2025 in E.P No.1018 of 2025 in RLTOP No.475 of 2024 passed by the learned XIV Judge Court of Small Causes, Chennai.

2. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

3. The petitioner herein claims to be the Proprietor of Neo Vijaya Lodge and has obstructed to the execution of the eviction proceedings in E.P No.1018 of 2025. The petitioner claims to be the tenant under the 1st respondent/Decree holder, besides also claiming that he has paid substantial amounts to the 2nd respondent and also having spent considerable amounts for renovation, upkeep and maintenance of the rented premises. The 1st respondent being Landlord has filed RLTOP No.475 of 2024 on the file of the XIV Court of Small Causes, Chennai, invoking Section 21(2)(a) of the TNRRRLT Act, on the ground that there has been a failure to enter into a Tenancy Agreement. The said RLTOP was allowed in Rent Court by order dated 21.07.2025 directing the 2nd respondent/Judgment Debtor to vacate the premises within two months.



4. The case of the 1st respondent is that the 2nd respondent ie. Mr.K. Ravindranath alone is his tenant and that he has sublet the said premises to the petitioner. The petitioner is only the manager of the said Mr. K.Ravindranath, who has been set up by the Tenant, Mr.K.Ravindranath to obstruct the Execution Proceedings and continue to occupy the Tenancy premises for longer periods of time. He would also state that the Property is assessed to commercial rates and in view of the default committed by the Chief Tenant who is the 2nd respondent herein, the petitioner herein is forced to pay huge taxes and charges which would have to be paid only by the occupier.

5. The learned counsel for the petitioner would, however, state that the petitioner has nothing to do with the Chief Tenant and he has not even been made a party to the said RLTOP and in such circumstances, the application under Order 21 Rule 97 of CPC ought to have been entertained.

6. I have carefully considered the submissions advanced on either side. Firstly, the New Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act 2019 is a special enactment and a self-contained code. Section 39 of the Act provides for the manner of execution of eviction orders passed under Section 21 of the Act. According to the 1st respondent, the 2nd respondent alone is the Tenant and claiming and contending that, as mandated under Section 4(2) of the Act, there has been no tenancy agreement



entered into, the 1st respondent invoked section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017

and the 2nd respondent remained ex-parte in the said proceedings and an eviction order was passed by the Rent court, finding that the 2nd respondent is admittedly a tenant and that there is also a failure to enter into a tenancy agreement. The said eviction order was put to execution of Section 39 of the TNRRRLT Act, which provides for the manner of execution as indicated herein and the same is extracted hereunder:

39. Execution of the order:-

(1) The Rent Court shall, on application of any party, execute in the manner as may be prescribed, a final order of any other order passed under this Act by adopting any one or more of the following modes, namely:

-(a) delivery of possession of the premises to the person in whose favour the decision has been made;

(b) attachment and sale of the movable or immovable property of the opposite party;

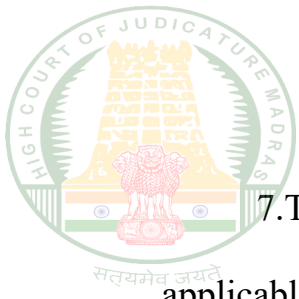
(c) attachment of any one or more bank accounts of the opposite party and satisfaction of the amount of order to be paid from such account;

(d) appointing any advocate or any other competent person including officers of the Rent Court or local administration or local body for the execution of the order.

2) The Rent Court may take the help from the local government or local body or the local police for the execution of the final orders:

Provided that the help of police shall be obtained subject to payment of such cost by the litigants as may be decided by the Rent Court.

3) The Rent Court shall conduct the execution proceedings in relation to a final order or any other order passed under this Act in summary manner and dispose of the application for execution made under this section within 30 days from the date of service of notice on opposite party.



7. The Provisions of the Code of Civil Procedure are specifically not made applicable to execution proceedings under TNRRRLT Act, 2019. In such view of the matter, also, I do not see how the application under Order 21 Rule 97 CPC can be maintained. But if at all the petitioner has any grievances against the Tenant/the 2nd respondent, it is always open to him to work out the same against the 2nd respondent and he is not entitled to obstruct to the execution of the eviction decree against the second respondent and in favour of the 1st respondent. Further, the petitioner claims to be a tenant, as proprietor of Neo Vijaya Lodge under the 1st respondent decree holder, in respect of which no shred of evidence or material has also been produced by the revision petitioner. In such circumstances, I do not find any infirmity in the order of the Executing Court, dismissing the application filed under Order 21 Rule 97 of CPC in E.A. No.5 of 2026 in E.A.1 of 2025 in E.P. No.1018 of 2025 in RLTOP No.475 of 2024.

8. At this juncture, learned counsel for the petitioner requests that if six months time is granted to the petitioner, he is prepared to peacefully vacate and hand over vacant possession. He also brought to my notice that, pursuant to a conditional order passed by this court, a sum of Rs.6 Lakhs has been deposited to the credit of the Execution proceedings.



9. Admittedly, there is no jural relationship of landlord and tenant between the petitioner and the first respondent. In the light of the above discussion and findings arrived at by me, this Civil Revision Petition is dismissed with the following directions.

(i) *The petitioner shall vacate and hand over vacant possession by 30.09.2026, without seeking for any further extension of time.*

(ii) *Liberty is given to the petitioner to withdraw the amount of Rs6,00,000/- deposited by the petitioner in pursuance of an Interim Order passed by this court. Liberty is also given to the Civil Revision Petitioner to work out his grievances, if any, against the 2nd respondent.*

(iii) *The petitioner shall file an affidavit of undertaking that he shall peacefully vacate and hand over the tenanted premises to the 1st respondent on or before 30.09.2026 without seeking for any further extension of time. Such an affidavit shall be filed on or before 30.07.2026. It is made clear that if no such affidavit of undertaking is filed, then, 1st respondent is at liberty to proceed with the Execution Petition and the concession shown to the petitioner, by granting time till 30.09.2026 will not be available.*



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P.B.BALAJI J.

Lbm

10. With the aforesaid directions, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

16-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Lbm

To:

XIV Judge Court of Small Causes, Chennai.

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