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CRP No. 5123 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

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

**CRP No. 5123 of 2026 and
CMP No.22387 of 2026**

V.Nandakumar, S/o Venu,
Flat No.2, Old No.H133,
New No.H 133/2, TNBH, 34th Cross Street,
Besant Nagar, Chennai 600 090

..Petitioner(s)

Vs

1. Om Jayaraman,
No.3, 1st Main Road,
G.M.Palya, Bangalore - 560 075.
2. J.Nagarajan
S/o Om Jayaraman,
No.3, 1st Main Road,
G.M.Palya, Bangalore - 560 075

..Respondent(s)

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 31.07.2026 passed in EA No.01 of 2026 in EP No.592 of 2026 by the X Small Causes Court at Chennai.

For Petitioner(s): Mr. S.Sivaraman

For Respondent(s): Mr.S.Ramajayam



ORDER

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This Civil Revision Petition has been filed to set aside the order dated 31.07.2026 passed in EA No.01 of 2026 in EP No.592 of 2026 by the X Small Causes Court at Chennai.

2. The respondents herein/land lord preferred RLTOP No.44 of 2026 on the file of X Judge, Small Causes (Rent) Court, Chennai seeking recovery of possession, invoking Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The Rent Court ordered eviction, in and by order dated 07.04.2026, granting one month time to the petitioner to vacate and hand over vacant possession to the respondents. Subsequently, the respondents/ landlords filed E.P.No.592 of 2026 to execute the order of the Rent Court in E.P.No.592 of 2026. The petitioner/tenant filed E.A.No.1 of 2026 under Section 47 of CPC before the executing court, seeking dismissal of the E.P. as not maintainable, in view of the order passed by a Division Bench of this court in CRP(MD) Nos.2451 and 2439 of 2026, dated 01.06.2026. The Executing Court had dismissed the above application and the said order is impugned in this civil revision petition.



3. Heard Mr.S.Sivaraman, learned counsel for the petitioner/tenant and Mr.S.Ramajayam, learned counsel for the respondents/landlords.

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4. Mr.S.Sivaraman, learned counsel for the petitioner/tenant brings to my notice that RLTA has been filed and is pending in RLTA Sr No.5913 of 2026 and he would in fact state that the same is listed today before the Principal Judge, City Civil Court, Chennai. He would further state that in the execution petition filed by the respondents/landlords to recover possession in E.P.No.592 of 2026, the Rent Court has ordered delivery, however, after dismissing the application filed by the petitioner/tenant in E.A.No.1 of 2026 under Section 47 of CPC. According to the learned counsel for the petitioner, a jurisdictional issue has been raised in the execution petition by way application under Section 47 of CPC, which has been erroneously dismissed by the executing Court.

5. Admittedly, Section 39 of TNRRRLT Act contemplates disposal of execution petitions in a summary manner within 30 days. In such circumstances, the executing court is not even required to entertain application under Section 47 of CPC or XXI of CPC also, especially Order XXI Rule 58, 97 and 99 CPC, while required elaborate evidence to be adduced. Therefore, I do not see any infirmity in the Rent Court having dismissed the Section 47 application. In any event, the objection taken in the instant case cannot be raised in the execution proceedings and the only avenue open to the petitioner is



to challenge the order of delivery by filing an appeal, as provided under the new enactment, which, in the present case has already been filed.

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6. The learned counsel for the respondents/landlords opposes this revision stating that firstly the Section 47 application itself was not maintainable and secondly, the petitioner is in huge arrears of rent more than of Rs.32 Lakhs as on today and the landlady is aged 96 years. In fact the order of RLTOP was put to challenge directly before this court in CRP No.2688 of 2026 and this court permitted the petitioner/tenant to withdraw the CRP with liberty to file an appeal before the Rent Tribunal. Pursuant to such liberty, the present RLTA has also been filed.

7. In the light of the above, it is for the petitioner to work out his rights before the Rent Tribunal and obtain an interim stay. Considering the fact that the petitioner was granted liberty by this court to move the Rent Tribunal and today, admittedly, an appeal has been filed and it is at the numbering stage, while dismissing this civil revision petition, I am inclined to direct the executing court to keep the execution petition in abeyance for a period of two weeks from the date of receipt of copy of the order, and within such time, the petitioner can work out his rights before the Rent Tribunal and get interim protection.



8. With the above direction, this civil revision petition is dismissed.

There shall be no order as to costs. Connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The X Judge,
Court of Small Causes,
Chennai.



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P.B.BALAJI, J.

MST

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