



REV.APPL No. 148 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

REV.APPL No. 148 of 2026

1. M/s. Chennaivazh Kovilpatti Nadar
Uravinmurai Sangam (Reg.No.45/1984),
Rep. by its President K.Ramasamy Nadar,
No.43 (18/1), Lattice Bridge Road, Adyar,
Chennai - 600 020.

Petitioner

Vs

1. M/s. Crescent Auto Repairs And
Services India Pvt Ltd., Rep. by its Director
A.K.Abdullah, No.9 Cenotaph Road,
Alwarpet, Chennai - 600 018.

Respondent(s)

Review filed under Order 47 Rules 1 and 2 read with Section 114 of Civil
Procedure Code to review the order passed in CRP No.414 of 2020 dated 01.12.2023.

For Appellant(s): Mrs.Hema Sampath
Senior Counsel
for Mr. S.Packiaraj

For Respondent(s): Mr.P.V.Balasubramaniam
Senior Counsel
For Mr. Najeeb Usman Khan



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ORDER

Heard Mrs.Hema Sampath, learned counsel for the revision petitioner/landlord and Mr.P.V.Balasubramaniam, learned Senior Counsel for Mr. Najeeb Usman Khan, counsel for the respondent/tenant.

2. Having concurrently succeeded before the Rent Controller and the Rent Control Appellate Authority, the petitioner/landlord was forced to defend the concurrent findings in the revision petition in CRP No.414 of 2020. The said revision petition was taken up for final hearing on 28.03.2023 and the revision at the instance of the respondent/tenant came to be allowed on 01.12.2023. This Court, at Paragraph No.15 has held as follows:

“ 15.

In the result, civil revision petition is allowed. The order passed by the learned Rent Controller in R.C.O.P.No.1322 of 2012 dated 22.09.2014 and confirmed in R.C.A.No.673 of 2014 dated 09.07.2014 are set aside”

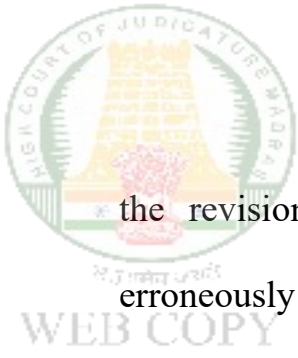
3. Learned Senior Counsel Mrs.Hema Sampath would invite my attention to the last few sentences in the last paragraph of the order dated 01.12.2023 which is extracted hereunder for easy reference:



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“ Till the C.S.No.23 of 2012 is disposed off, the Revision Petitioner shall pay the rent as agreed in RCOP No.1322 of 2012 in the counter by the tenant as Respondent. The Respondent is directed not to evict the Revision Petitioner till the C.S.No.23 of 2012 is disposed of.”

4. It is therefore the submission of Mrs.Hema Sampath, learned Senior Counsel for the revision petitioner that, now admittedly since C.S.No.23 of 2012 has been dismissed on 05.01.2024, there is no impediment for the revision petitioner to execute the eviction decree. She also brings to my notice that E.P.No.1411 of 2019 is already pending before the Court of Small Causes and in view of the observations in the concluding portion of order dated 01.12.2023, the Rent Controller is not permitting the petitioner to proceed with the execution petition as well, citing the objection of the respondent/tenant that an appeal has been preferred in O.S.A.No.222 of 2024 and it is pending. It is the further submission of Mrs.Hema Sampath, learned Senior Counsel that O.S.A No.222 of 2024 is not yet admitted and admittedly there is no interim stay granted by the Division Bench of this Court in the said O.S.A No.222 of 2024. It is her further submission that O.S.A.No.222 of 2024 has only been adjourned for hearing the arguments of the parties finally. Learned Senior Counsel therefore states that the order in



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the revision petition has to be clarified though the application may have been erroneously numbered as Review and the Executing Court should be directed to proceed with the Execution Petition notwithstanding pendency of O.S.A.No.222 of 2024.

5. Per contra, Mr.P.V.Balasubramaniam, learned Senior Counsel appearing for the respondent/tenant would state that no doubt the suit for Specific Performance filed by the respondent/tenant has been dismissed, however, as against the judgement and decree, admittedly O.S.A No.222 of 2024 is now pending and being a first appeal, it is a continuation of the suit and therefore, the order passed by the revision Court should mean and imply that the protection to the respondent/tenant would enure till the disposal of O.S.A No.222 of 2024 as well. Learned Senior Counsel would further state that review of the order dated 01.12.2023 is certainly not maintainable and the same is liable to be dismissed.

6. I have carefully considered the submissions advanced by the learned Senior Counsel on either side.

7. Firstly, it is to be remembered that the Tamil Nadu Buildings (Lease and Rent Control) Act, Act 18 of 1960 has been repealed and a new enactment viz., Tamil

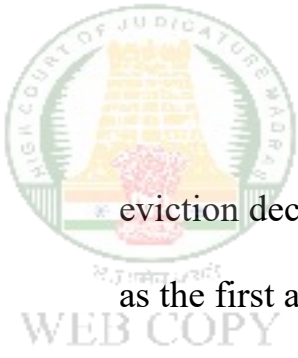


Nadu Regulation of Rights and Responsibilities of Landlords and Tenants (Amendment)

Act, 2019 (TNRRRLT Act, 2019) has been brought into force, with effect from 21.02.2019. The new legislation defines a “tenant”. The definition of a “tenant” excludes a person against whom an order of eviction has been passed under the repealed enactment viz., Act 18 of 1960. Admittedly, in the instance case, as I have already extracted the relevant portion from Paragraph No.15 of the order in C.R.P.No.414 of 2020, when the eviction order passed by the Rent Controller and confirmed by the Rent Control Appellate Authority has been set aside by this Court, exercising jurisdiction under Section 25 of the repealed act. Therefore, today, admittedly, there is no eviction decree in favour of the petitioner/landlord.

8. In such view of the matter, the respondent will qualify to be a tenant under the new legislation. Admittedly, there is also no agreement clinched between the parties after commencement of the new Act in February 2019, thereby opening an avenue to the petitioner/landlord to invoke Section 21(2)(a) of the Act and seek recovery of possession under the provisions of the new enactment.

9. In the light of the above, I do not see any clarification required in the present matter as sought for by the petitioner/landlord since the petitioner has lost the



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eviction decree that was obtained by him concurrently before the Rent Controller as well as the first appellate authority as early as on 01.12.2023.

10. It is needless to state that the revision petition being allowed gives rise to a fresh cause of action to the petitioner/landlord for two reasons:- (1) C.S.No.23 of 2012 has already been disposed of and till such time alone protection was given by this Court in CRP No.414 of 2020 and there is no stay granted in O.S.A.No.222 of 2024; and (2) under the New Act, the tenant has not suffered any order of eviction as on date and hence the petitioner/landlord is entitled to invoke Section 21(2)(a) of the Act and seek for recovery of possession.

11. In the mean time, it is open to the respondent/tenant to mention before the Hon'ble Division Bench and get the O.S.A No.222 of 2024 listed, for either final hearing or interim protection.

12. It is needless to say that any observations that have been made hereunder are without prejudice to the rights of the parties in the pending O.S.A No.222 of 2024.



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13. With the above observations, Rev.Appl.No.148 of 2026 is dismissed. No costs.

13.08.2026

sr

Index:yes

Website:yes

Speaking Order

To

1. The XVI Small Causes Court, Chennai
2. The VIII Small Causes Court, Chennai



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P.B.BALAJI.,J

sr

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