



CRP(MD). No.411 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.02.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.411 of 2026
and CMP(MD).No.1882 of 2026**

Soundarya

... Petitioner

Vs

Rathinam

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 22.01.2026, passed in E.P.No.1 of 2025 on the file of Learned District Munsif Judge, Rajapalayam, in RCOP.No.4 of 2012 on the file of Learned Principal Munsif Judge cum Rent Control Tribunal, Srivilliputhur.

For Petitioners : Ms.R.Durga Devi

ORDER

This civil revision petition has been filed to set aside the fair and decretal order dated 22.01.2026, passed in E.P.No.1 of 2025 on the file of Learned District Munsif Judge, Rajapalayam, in RCOP.No.4 of 2012 on the file of Learned Principal Munsif Judge cum Rent Control Tribunal, Srivilliputhur.

2.Heard the learned counsel appearing for the petitioner as well as the learned counsel for the respondent and perused the records.



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3.The learned counsel for the revision petitioner contended that the petitioner is a tenant in occupation of the premises belonging to the respondent. The respondent/landlord had originally filed R.C.O.P. No. 4 of 2012 before the District Munsif cum Rent Controller, Srivilliputhur. It is the contention of the learned counsel for the petitioner that the respondent had initially denied the existence of a landlord–tenant relationship and claimed that the revision petitioner was in unlawful occupation. A notice dated 12.09.2011 was issued by the landlord, to which the revision petitioner had sent a reply, contending that there existed an oral lease agreement between the parties for a monthly rent for a total sum of Rs.3,50,000/-. This aspect is reflected in the pleadings in the RCOP proceedings.

4.The learned counsel further submitted that the RCOP was initially dismissed by the Rent Controller, taking into consideration the oral lease agreement and the documentary evidence produced regarding payment of rent. However, on appeal, in the Rent Control Appeal (RCA), the appellate authority reversed the findings of the Rent Controller and allowed the petition, holding that the premises was required for the landlord’s personal use.



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5.It is also submitted that, with regard to the lease amount allegedly paid, the revision petitioner had filed a separate suit in O.S. No. 173 of 2014, in which a decree was passed in favour of the revision petitioner on 14.07.2023. Meanwhile, the respondent/landlord initiated execution proceedings in E.P. No. 1 of 2025. The execution Court has passed the following Order.

"மனு தபசில் சொத்திற்கு எதிர்மனுதாரர் செலுத்த வேண்டிய வாடகையை வேண்டுமென்றே செலுத்தாமல் wilful default ஆக உள்ளதாலும், மனுதாரருக்கு மனு தபசில் வீட்டை எதிர்மனுதாரர் 2 மாதங்களுக்குள் காலி செய்து வெளியேறி மனு தபசில் சொத்தினை மனுதாரர் வசம் சுவாதீனம் ஒப்படைக்க வேண்டும்."

6.As the revision petitioner pleads that there is oral lease agreement and in the absence of any document filed to establish the case and separate suit has been filed by the revision petitioner for recovery of that amount will not prevent the execution court to execute the same. Therefore, the contention of the revision petitioner that simultaneous proceedings cannot be allowed, has no merits. Accordingly, there is no infirmity in the order passed by the trial Court.



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7. Accordingly, this civil revision petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

1. The Principal District Munsif, Rent Controller, Srivilliputhur.

2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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N.SENTHILKUMAR, J.

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