



C.R.P.(NPD)(MD)No.1834 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.07.2026

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.(NPD)(MD)No.1834 of 2026

K.Dhanabalan

... Petitioner

Vs

The Madurai City Municipal Corporation,
Represented by its Commissioner,
Alagarkoil Main Road, Tallakulam,
Madurai -625 002.

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the CPC, praying to set aside the Ex-order and Fair order in E.P.NO.38/2025 in O.S. No.734/2017 dated 28.01.2026 on the file of the I Additional District Munsif, Madurai Town and allow the revision petition.

For Petitioner : M/s.N.Juliet Latha

For Respondent : Mr.K.K.Kannan



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ORDER

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The Civil Revision petition is filed challenging the order passed by the Executing Court dismissing the execution petition filed by the petitioner, seeking to arrest the respondent and committing him to civil prison for willful violation of the earlier decree passed in O.S.No. 734 of 2017.

2. The petitioner herein, who is a tenant of the shop bearing No.361, Therkuvasa Market, Madurai Town, filed a suit restraining the respondent/defendant from interfering with his possession in O.S.No.734 of 2017. The suit was decreed and the civil Court declared that the notices marked as Exs.A1 to A10 in the said suit were null and void and consequently injuncted the respondent from interfering the petitioner's possession over the suit shop pursuant to the above-mentioned notices.

3. The instant execution petition has been filed by the petitioner mainly on the ground that the respondent issued notices on 09.12.2024 and 13.01.2025, terminating the tenancy with the petitioner. Subsequently on 25.01.2025, the respondent locked the shop of the petitioner. Therefore, the execution petition has been filed to commit the



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respondent to civil prison for having violated the decree for injunction.

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4. The petitioner was examined before the Executing Court as P.W.1. During the course of examination, the petitioner categorically admitted that he has not paid rent to the respondent from the year 2019. He also admitted that the period of tenancy shall be extended every year and he could not recollect when was the last extension.

5. From the admission made by petitioner as P.W.1, it is clear that he failed to pay even admitted rent from the year 2019. Since there was a continuous default in payment of the rent and also failure to extend the lease period, the respondent issued a notice terminating the lease and taken steps to recover possession by locking the premises. The present action taken by the respondent terminating the tendency is based on subsequent cause of action, namely, the failure of the petitioner to pay even the admitted rent for several years from 2019. In the decree passed in O.S.No.734 of 2017, the petitioner was granted qualified injunction restraining the respondent from taking any action against the petitioner, pursuant to the notices marked as Exs.A1 to A10. It is stated that the notices marked as Exs.A1 to A10 in the above mentioned suit were issued by respondent Corporation demanding the enhanced rent. In the



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case on hand, the action has not been taken by the respondent pursuant to the earlier notices demanding enhanced payment. On the other hand, the petitioner not even paid the admitted rent. Due to the default committed by the petitioner, action has been taken to terminate the tenancy. The said action of the respondent cannot be treated as an action taken pursuant to the earlier notices which were declared as illegal by the Court in O.S.No.734 of 2017. The Executing Court rightly appreciated the distinction and dismissed the execution petition filed by the petitioner seeking civil arrest of the respondent. I don't find any error in the said order.

6. Accordingly, the Civil Revision petition stands dismissed.

No costs.

14.07.2026

NCC : Yes / No
Index : Yes / No
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To

1. The I Additional District Munsif, Madurai Town.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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