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C.R.P. (PD) No.2554 of 2022  
and C.M.P.No.13046 of 2022



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 12.08.2022**

**CORAM:**

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**C.R.P. (PD) No.2554 of 2022**  
**and C.M.P.No.13046 of 2022**

J.Suresh

...

Petitioner /  
Plaintiff

***versus***

A.M.Raja

...

Respondent /  
Defendant

**PRAYER:** Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the decree and judgment dated 17.11.2021 passed in C.M.A.No.2 of 2021 on the file of the learned XX Additional Sessions Judge, City Civil Court, Chennai, reversing the order passed in I.A.No.2 of 2020 in O.S.No.2827 of 2020 dated 02.12.2020 on the file of the learned XV Assistant Judge, City Civil Court, Chennai by allowing the second appeal.

For Petitioner : Mr.P.N.Geroge Graham  
for M/s.Devadason and Sagar

For Respondent : Mr.B.Manimaran  
/ Caveator



## **ORDER**

This Civil Revision Petition has been preferred challenging the judgment of the learned XX Additional Sessions Judge, City Civil Court, Chennai, dated 17.11.2021 passed in C.M.A.No.2 of 2021.

2. The revision petitioner is the plaintiff who has filed the suit against the respondent / defendant for the relief of permanent injunction. The injunction is sought for restraining the defendant from making any alterations, additions and repairs in the suit property without obtaining written permission from the plaintiff or permission from the Court. While filing the said suit an application in I.A.No.2 of 2020 was filed for seeking temporary injunction. The learned trial Judge has passed an order in I.A.No.2 of 2020 on 02.12.2020 and granted an order of *status quo*. Aggrieved over that, the defendant has filed Civil Miscellaneous Appeal in C.M.A.No.2 of 2021 before the learned XX Additional Sessions Judge, City Civil Court, Chennai. The said Civil Miscellaneous Appeal was allowed on 17.11.2021. Aggrieved over that, the plaintiff has filed this Civil Revision Petition.



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3. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the suit property in which the respondent was inducted as a tenant; even before filing the suit, two petitions filed under the Rent Control Act for eviction and for fixation of fair rent. During the pendency of the proceedings, the respondent himself has sought for an appointment of Court Commissioner for visiting the suit property and submitting his report; since the respondent started structural changes in the suit property the revision petitioner has filed the suit for permanent injunction, restraining him to carry out any other alterations without the permission of the court or from him.

3.1. Despite the learned trial Judge had rightly appreciated the *prima facie* case, balance of convenience of the parties and granted an order of *status quo*, the learned appellate Judge has chosen to reverse the order by stating that the order of the learned trial Judge is not meaningful and there is a confusion in understanding whether the *status quo* in respect of carrying out alterations, repairs or additions or to carry out the business.



Since the above finding is without any basis and not understanding the purpose of the suit, this Civil Revision Petition should be allowed.

4. The learned counsel for the respondent submitted that due to covid-19 lockdown, the respondent himself has closed the premises and he could not conduct any business. Subsequently he just attended some minor repairs to put the property in a proper shape and only that was challenged by the landlord and hence, the order of the learned XV Assistant Judge, City Civil Court, Chennai, needs not be reversed.

5. The fact that the revision petitioner is the plaintiff and the owner of the premises is not disputed. The respondent / defendant is a tenant under the plaintiff and the demised premises is a commercial property wherein the respondent is said to be running his hotel business. Further fact is that even before filing of the suit there are two petitions filed under the Rent Control Act for evicting the respondent from the premises and also for fixation of fair rent and it is also not denied.

6. Though the order has been passed on the petition filed for fixation of fair rent, the petition for eviction is pending. However, when



there are already disputes pending between the petitioner and the respondent before the Rent Control Court and the respondent himself taken a commission petition for appointment of a Commissioner for visiting the suit property and note down the physical features and Commissioner also filed his report, the respondent should not effect any change in the suit property.

7. Even if the litigations are not pending, no tenant can make any alterations, changes or repairs in the demised premises without consent of his landlord, without any permission granted to him either in the tenancy agreement or later. It is not the contention of the learned counsel for the respondent that he was given with such permission and that was reduced into writing and it forms part of the tenancy agreement.

8. While that being the case, the Courts have no difficulty to grant any balance of convenience in favour of the plaintiff. Since the suit itself has been filed from restraining the defendant from making any alterations, additions, repairs in the suit property without obtaining written permission from the plaintiff or permission from the Court, vacating of *status quo* would only embolden the respondent to continue his attempts to



alter or put up additions in the suit property. The orders of the Court has to be understand only the context in which the prayer sought before the Court and hence there need not have been any confusion in the order of status quo. The appellate Judge referred the prayer sought in the petition filed in temporary injunction. If the revision petitioner is not able to understand whether the order of *status quo*, learned XX Additional Sessions Judge, City Civil Court, Chennai, is with regard to run the business or from not putting up any construction, it is ideal to refer the prayer sought in the petition filed for temporary injunction.

**9.** It is obvious that the prayer made in I.A.No.2 of 2020 which was filed for temporary injunction is to the following effect:-

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to pass an order of interim injunction restraining the respondent from making any alteration / repair / additions pending disposal of the suit.”

**10.** In that case, there need not be any misconstruction of the order of *status quo* passed by the learned trial Judge and to understand it like some other prayer made by the revision petitioner before the trial Court.



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**11.** In view of the above stated reasons, this Civil Revision Petition is allowed and the order dated 17.11.2021 made in C.M.A.No.2 of 2021 on the learned XX Additional Sessions Judge, City Civil Court, Chennai, is set aside. Taking into consideration of the long pendency of the suit, the trial Judge is directed to dispose the suit itself as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed. No costs.

**12.08.2022**

Speaking order / Non-speaking order  
Index : Yes / No  
Internet : Yes  
sri

To

- 1.The XX Additional Sessions Judge, City Civil Court, Chennai.
- 2.The XV Assistant Judge, City Civil Court, Chennai.



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**R.N.MANJULA, J.**

sri

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