



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 22-05-2024

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.2082 of 2024

S.Dilli Babu

...

Petitioner

-VS-

1.C.Mohan

2.C.Kumar

3.K.Dhinakaran

...

Respondents

Petition under Article 227 of the Constitution of India against the Docket Order passed in M.P.No.1910 of 2024, dated 04.04.2024, by XI Rent Controller, in charge of XVI Rent Controller, Small Causes Court, Chennai.

For Petitioner : Mr.S.N.Narasimhulu

ORDER

Petitioner challenges the Docket Order, dated 04.04.2024, passed in M.P.No.1910 of 2024 in E.P.No.914/2023 in RLTOP.785/2022 by XVI Rent Controller, Small Causes Court, Chennai.

2. Petitioner claims to be a tenant under the judgment debtor. Vide a



Docket Order, dated 04.04.2024, the Execution Court has dismissed a petition filed as being not maintainable, on the ground that the petitioner claims to be a sub-tenant and the decree of eviction against the tenant would be binding on the petitioner as well.

3. I do not find any infirmity in the above said order. Further, under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, Civil Procedure Code, especially the procedure under Order XXI CPC, is not made applicable to execution proceedings under Section 39 of the said enactment. Therefore, even from this angle, the application, seeking obstruction, is not maintainable.

4. Mr.S.N.Narasimhulu, learned counsel for the petitioner, at this juncture, seeks six months' time to vacate the premises.

5. Considering that the petitioner has been in occupation of the premises as tenant right from 2015 and would contend that he has been regular in payment of rents and not in arrears, he is granted six months' time to hand over the tenanted premises to the respondent – landlord, from today, subject to his filing of an affidavit of undertaking, that he shall peacefully vacate and hand over the tenanted premises to the respondent – landlord within six months, without driving the landlord to prosecute the execution proceedings to pay the arrears of rent, if any, and pay the admitted rent on or before 10th of every succeeding month, within a period of ten days.



6. Civil Revision Petition is dismissed accordingly. No costs.

Consequently, the connected C.M.P.No.11135 of 2024 is closed.

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2024

Index : Yes/No

Internet : Yes/No

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To

XVI Rent Controller,
Small Causes Court,
Chennai.



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P.B.BALAJI, J.

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