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C.R.P.(PD).No.2176 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.2176 of 2023 &
C.M.P.No.13235 of 2023

Punjab National Bank,
Ground Floor,
No.321, Old No.156,
Linghi Chetty Street,
Chennai

... petitioner

-Versus-

1.Sabbir K.Dhanaliwala (Senior Citizen),

2.Huzefa S.Dhanaliwala

Rep, by its Power Agent/Father

Mr.Sabbir K.Dhanaliwala

3.Muneera Ghosh

4.Rashida A.Vagh

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India
against the order dated 12.06.2023 made in E.P.No.412 of 2023 in
R.L.T.O.P.No.512 of 2022 on the file of the X Small Cause Court, Chennai.

For Petitioner : *Mr.Arvind Subramaniam,*
Senior Counsel, for
Mr.M.Ajithkumar

For Respondents : *Mr.Sivakumar for*
M/s.P.B.Ramanujan Associates



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ORDER

This civil revision petition is preferred against the order of delivery passed by the X Court of Small Causes, Chennai on 12.06.2023.

2. There is no dispute in the relationship between the parties. The civil revision petitioner is the judgment debtor and the respondents are the decree holders.

3. Eviction petition was filed invoking the provisions of Sections 21(2)(a) and 21(2)(g) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. This petition was numbered as RLTOP.No.512 of 2022 by the X Court of Small Causes, Chennai. After contest, the application came to be allowed on 23.01.2023.

4. Feeling aggrieved by the fact that despite being a public service institution delivery order had been passed by the learned Rent Controller, this civil revision petition is presented.

5. Notice and interim stay were ordered by this Court on 27.06.2023.



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6. It transpires that in the meantime, the civil revision petitioner preferred an appeal challenging the decree passed in RLTOP.No.512 of 2022 dated 23.01.2023. The said appeal was received as RLTA.No.144 of 2023 and it came to be dismissed on 28.02.2024.

7. Mr.Arvind Subramaniam, learned Senior Counsel appearing on behalf of Mr.M.Ajithkumar would submit that no further revision has been preferred to this Court.

8. In terms of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, the judgment debtor is granted 30 days time to hand over possession of the property from the time when the execution petition is presented. The execution petition can be presented on the eviction order being passed by the rent controller. In the present case, this procedure has been followed by the decree holder. Since there were previous disputes between the decree holders and the judgment debtor and as no fresh agreement was entered into between them, they filed a petition under Section 21(2)(a) of the Act.



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9. In the light of the subsequent event that even the appeal that was preferred by the tenant ended in dismissal pending the revision, I do not find any mistake in the order of the Executing Court. Consequently, I am inclined to confirm the order of eviction as the Executing Court did not commit any error in ordering delivery.

10. At this stage, Mr.Arvind Subramaniam would point out that the petitioner branch has been functioning for the past 23 years and there are about 60 employees who are serving in the said branch under the civil revision petitioner. He would submit that in case sufficient time is granted, the petitioner will vacate and hand over possession without creating any issues for the landlord to take delivery. To that effect, an affidavit of undertaking has also been filed by the Chief Manager of the Linghi Chetty branch/civil revision petitioner.

11. The undertaking specifically states that the tenant will hand over possession of the property within a period of three months from today i.e., on or before 25.10.2024 to the respondents/ landlords and the civil revision petitioner



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will pay the monthly rents till the date he is vacating the premises. The affidavit of undertaking filed by the tenant is taken on record.

12. Mr.Sivakumar has no objection for grant of time till 25.10.2024.

13. The tenant is granted time till 25.10.2024 to vacate and hand over peaceful possession of the property to the landlords. The tenant shall not default in payment of monthly rents as undertaken by them, in the affidavit. They shall not put any third party in possession of the property. They shall hand over possession of the property without forcing the landlord to resort to execution proceedings.

14. With the aforesaid directions, the civil revision petition is dismissed confirming the order of eviction.

25.07.2024

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Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order



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To

1.The X Small Cause Court, Chennai



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V.LAKSHMINARAYANAN, J.

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