



WEB COPY



C.R.P.(PD).No.2908 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.2908 of 2023 &
C.M.P.Nos.18002 & 18004 of 2023

J.S.Ratnakumar

... Petitioner

-Versus-

1.K.Kuppamma

2.Premchand Ankam

3.Parvatha Ankam

4.Lakshmi V.Ratna Babu

... Respondents

Revision filed under Article 226 of the Constitution of India to set aside the Delivery order dated 08.06.2023 passed in E.P.No.256 of 2023 in RLTOP.No.191 of 2022 on the file of the Court of X Small Causes, Chennai.

For Petitioner : Mr.Bhuvanesh Kumar

For Respondents : Mr.V.V.Ravichandran

ORDER

The judgment debtor is the civil revision petitioner. The respondents are the decree holders. They are the landlords. They initiated proceedings in RLTOP.No.191 of 2022 seeking for eviction of the Civil Revision Petitioner on



C.R.P.(PD).No.2908 of 2023

the ground that no agreement of tenancy had been entered into between the parties in terms of section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2007. The landlords were successful in obtaining an order of eviction on 02.12.2022. Both sides agree that the appeal preferred there from in RLTA.No.22 of 2023 came to be dismissed by the learned XV Additional City Civil Court, Chennai on 13.02.2024.

2. In order to execute the decree obtained in RLTOP.No.191 of 2022, the judgment creditor took out E.P.No.256 of 2023. In the said execution proceeding, as there was no stay in the appeal, the learned Judge ordered delivery. This order is under challenge before me.

3. In terms of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2007, the Executing Court, if it is not prevented by way of an order of stay or injunction by the superior court, is duty bound to execute the decree passed in RLTOP within 30 days from the date of filing of that execution petition.



C.R.P.(PD).No.2908 of 2023

4. In the present case, as recorded by the learned judge, no appeal had been preferred nor was there any intimation of stay and hence, eviction had been ordered.

5. I do not find any perversity or illegality in the order which requires interference in the revision. The learned Judge of the Executing Court is absolutely right in holding that since there was no order of stay, eviction automatically follows. I have to take note of the subsequent event that even an appeal that had been preferred had been dismissed by the learned XV Additional City Civil Court, Chennai. In other words, there was no impediment on the X Small Causes Court to proceed with the matter and order delivery of possession.

6. In view of the above, the order of the X Court of Small Causes, Chennai in E.P.No.256 of 2023 in RLTOP.No.191 of 2022 dated 08.06.2023 stands confirmed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

7. At this stage, the learned counsel for the judgment debtors/ tenants



C.R.P.(PD).No.2908 of 2023

request that if breathing time is granted, they will hand over the possession of the property without pushing the landlord to take further steps in the execution proceedings.

8. Time is granted till 31.08.2024 to vacate and hand over possession of the property. This is subject to the tenant/judgment debtor filing an affidavit of undertaking that he will hand over possession of the property on or before the aforesaid date. He should also make it clear in the affidavit of undertaking that he will not put any third party in possession of the property. Time is granted for filing an undertaking affidavit till 20.06.2024.

9. Call the Civil Revision Petition on 21.06.2024 for compliance.

18.06.2024

nl

Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order



WEB COPY



C.R.P.(PD).No.2908 of 2023

To

1.The X Small Causes, Chennai.



WEB COPY



C.R.P.(PD).No.2908 of 2023

V.LAKSHMINARAYANAN, J.

nl

C.R.P.(PD).No.2908 of 2023 &
C.M.P.Nos.18002 & 18004 of 2023

18.06.2024