



Crp No.3595 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRP No.3595 of 2024 and
CMP No.19496 of 2024

S.Kannadasan

... Petitioner

Vs.

Rajaram @ Rajaraman

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order passed by the XI Small Causes Court, Chennai in M.P.No.1 and 2 of 2024 in E.P.No.398 of 2024.

For Petitioner : Mr.A.S.Shankar

For Respondent : Mr.S.Shyamala

ORDER

Challenge has been made as against the order passed by the learned XI Judge, Small Causes Court, Chennai in M.P.No.1 and 2 of 2024 in E.P.No.398 of 2023, dated 23.08.2024 in RLTOP No.210 of 2023, ordering for break open; and provide police aid for taking



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possession of the property.

2. The revision petitioner is the tenant under the respondent herein/ landlord. The respondent has filed RLOP No.210/2023 seeking recovery of possession of the premises and it was allowed by the learned XI Judge, Small Causes Court, Chennai on 17.11.2023. Pursuant to the above order, the respondent has filed execution petition in E.P.No.398 of 2024 and also filed M.P.Nos.1 and 2 of 2024 seeking to break open the property and to provide police aid for taking possession of the property. The above said M.P.Nos. 1 and 2 of 2024 were allowed on 23.08.2024 and challenging the same, the present civil revision petition has been filed.

3. Heard the learned counsel for the revision petitioner and the learned counsel for the respondent and I have perused the materials on record.

4. Before the execution court, the only stand taken by the civil revision petitioner was that, as against the order passed in the RLOP No.210/2023, appeal was filed. However, there was no details



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whatsoever given by the revision petitioner either number of the appeal or the stay granted in the appeal and hence, the said order was passed.

5. On merits, this civil revision petition is not maintainable for the simple reason that mere pendency of application seeking to condone the delay in filing the appeal in RLOP No.210/2023, the execution proceedings cannot be stalled. Hence, this civil revision petition has no legs to stand. In such circumstances, when this court is about to dismiss the civil revision petition on merits, learned counsel appearing for the civil revision petitioner submitted that the petitioner is a tenant for the past 40 years and he has to make some arrangements for vacating the premises and also he has to collect some dues and hence, he seeks six months time to vacate the premises.

6. Apart from the above submission, learned counsel for the petitioner also filed an affidavit today, to the effect that the petitioner undertakes to vacate the premises, as directed by this Court, though he prayed for six months; and also undertakes to withdraw all pending



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cases/appeal as against the order passed in RLTOP No.210 of 2023.

7. By considering the above submission made by the learned counsel for the revision petitioner as well as the undertaking affidavit filed by the revision petitioner, this court is inclined to grant three months time to the petitioner to vacate the premises. Accordingly, it is ordered as follows.

i) The petitioner is directed to vacate the premises on or before 28.02.2025 and hand over the possession of the property to the respondent.

ii) It is made clear that in the event that the petitioner is not vacating the premises and handing over the possession of the property to the respondent on before 28.02.2025, violating the undertaking given in the affidavit, contempt proceedings shall be initiated against him.

iii) In the event of failure on the part of the petitioner in vacating the premises as stated supra, the Trial Court shall issue warrant and with the aid of police personnels, break open the lock and take the possession of the property and hand over the same to the respondent.



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8. With the above directions, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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Index:Yes/No
Internet:Yes/No
mst

To

**The XI Judge,
Court of Small Causes,
Chennai.**



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N.SATHISH KUMAR, J.

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