



WEB COPY



CRP.No.124 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.124 of 2025
and C.M.P.No.893 of 2025

P.Mohanraj

... Petitioner

Versus

S.Geetha

... Respondent

Prayer: Petition filed under Section 115 of Code of Civil Procedure, to set aside the order passed in E.A.No.4 of 2024 in E.P.No.596 of 2021 in RCOP.No.798 of 2015 on the file of the XV Small Causes Court, Chennai.

For petitioner : Mr.K.Murthy
For Respondent : Mr.V.Sivakumar for
M/s.P.B.Ramanujan Associates

ORDER

Challenging the order dismissing the application filed by the petitioner under Section 47 of CPC, this revision is filed.



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2. Originally, the respondent has filed an application for eviction on the ground of wilful default, demolition and reconstruction. The learned Rent Controller ordered eviction which has been confirmed in RCA.Nos.84 & 85 of 2021, as against which, CRP.Nos.1182 & 1183 of 2024 were filed before this Court, wherein, before this Court, the revision petitioner's counsel submitted that the revision petitioner is ready to vacate the premises and ready to file an affidavit of undertaking before this Court. Therefore, when the matters were posted on 07.08.2024 and 09.08.2024, as the affidavit of undertaking was not forthcoming, the revisions were dismissed as default vide order dated 09.08.2024. While things stood thus, an application has been taken out before the Execution Court in E.A.No.4 of 2024 in E.P.No.596 of 2021, inter alia, contending that the respondent is not the owner of the property and the property is poramboke, further, it is the contention that a suit has been filed by one Angammal seeking to set aside the sale deed executed in favour of the petitioner. Hence, it is prayed that no order be passed till the title dispute is resolved by the Civil Court. The Trial Court vide the impugned order dated 16.12.2024 had dismissed the application. Hence, this revision.

3. Heard both sides and perused the materials placed on record. It is relevant



to note that the petitioner, in fact, when the earlier revision petitions were posted before this Court had admitted to vacate the premises and also agreed to file an affidavit of undertaking in this regard. However, thereafter, he has not filed such affidavit of undertaking, thus, the revisions were dismissed for default. Be that as it may, when the petitioner was inducted as a tenant, admitted the relationship, entered agreement of lease which is marked as Ex.P5 in the rent control proceedings, now the petitioner is totally estopped from denying the title of the landlord. This Court is of the view that once the petitioner was inducted as a tenant from the very inception, there is a clear bar under law to deny the title. Admittedly, the revision petitioner was inducted as a tenant by lease agreement, therefore, in application under Section 47 of CPC, he cannot take a different plea denying the title.

4. That apart, the other contention that one Angammal has filed a suit seeking to cancel the sale deed in O.S.No.6215 of 2015 is still pending, therefore, he cannot be evicted. Such contention in view of this Court has no relevance at all. That suit is no way connected to the relationship of the parties. Once the jural relationship is admitted and eviction is ordered, it is not for the tenant to question the title under application filed under Section 47 of CPC.



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N. SATHISH KUMAR, J.

5. Such view of the matter, I do not find any merits in the revision and accordingly, this revision stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

23.01.2025

Index : Yes / No
Speaking/non speaking order
dhk

To,

The XV Judge
XV Small Causes Court, Chennai

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