

C.R.P.No.1384 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.04.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. No.1384 of 2025

and

CMP. No. 8225 of 2025

1.Fyzil A.S

2.Azam A.S

3.A.S. Shafiyull Khan

4.A.S. Kursheeth

5.A.S. Mohammed Zafarullah

... Petitioners

Versus

1.M. Ashok Chand

2.M. Dharam Chand

3.M. Jai Chand

4.M. Vijai Chand

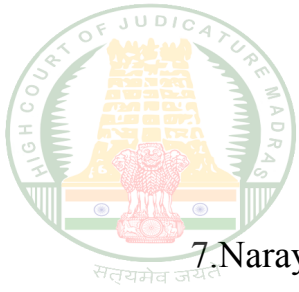
S.Mothilal (Since Deceased)

B.F.Leelabai (Since Deceased)

5. M. Pushpalatah

K. Bujanga Rao (Deceased)

6. Sumathi. B.



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7.Narayandass

8.Ganeshan

9.A.K. Chinnaiah

10. A. Nasrullah

11. A.S. Abdul Gani

Rahima Bi (Since Deceased)
Ragavendra Rao (Since Deceased)

12. R.Kumar

13. Arun Singh

14. Sri Balaji

15. P.Samuel

M.A. Jayaraj (Since Deceased)

16. Messrs Heeramul

17. Dr. Ravi Thilagaraj

18. Mani Achari

19. Bhojan

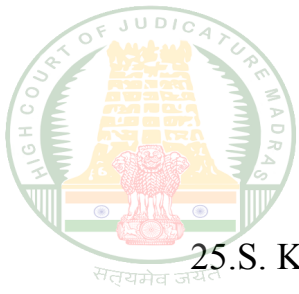
20.Radhakrishnan

21.Jayalakshmi

22.Bhargavi

23.Sri Ram

24.Sri Krishna



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25.S. Kanthilal

26.S. Lalithkumar

27.S. Mahaveerchand

28.S.Balachand

Asi Bai (Since Deceased)

29.Kamma Bai

30.Magha Bai

31.Kamala Bai

32.S. Shantilal

33.Bhagyashree Jayaraj

34.J. Mohan

35.J. Mini

36.J. Sheele

37.J. Sumi

... Respondents

Civil Revision Petition filed under Article 115 of Civil Procedure Code, 1908, seeking to set aside the fair decreetal order dated 13.12.2024 made in E.A. No.4 of 2024 in E.P. No.43 of 2014 on the file of the Rent Controller, Udthagamandalam, The Nilgiris District.

For Petitioner : Mr. S. Shanmugasundaram,
for Mr. K. C. Karl Marx

For Respondent : Mr. Vishnu Mohan (for R1 & R2)

: No Appearance (for R3 to R37)



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ORDER

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This civil revision petition has been filed challenging the order dated 13.12.2024 made in E.A.No.4 of 2024 in E.P.No.43 of 2014 in R.C.O.P. No.34 of 1990 on the file of the Rent Controller, Udhagamanadalam, the Nilgiris District, by which, the execution petition in E.A.No.4 of 2024 filed by the petitioners, seeking to set aside the exparte order of eviction, was dismissed.

2. Learned counsel for the petitioners produced an affidavit of the first petitioner dated 04.04.2025 on behalf of other petitioners and submitted that the petitioners undertake to vacate and handover the vacant possession of the shop property under their occupation on or before 31.12.2025 to the decree holder in E.P.No.43 of 2014.

3. The said affidavit dated 04.04.2025 filed by the first petitioner on behalf of other petitioners is taken on record.

4. Learned counsel for the respondents expressed his objection and submitted that the petitioners/tenants have not filed any appeal against the



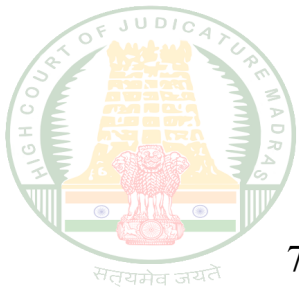
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order passed in R.C.O.P.No.34 of 1990. Subsequently, the petitioners have filed E.A.No.4 of 2024 in E.P.No.43 of 2014, only to drag the proceedings.

The rent control original petition was filed in the year 1990, and the execution petition was filed in the year 2014, and almost 24 years, they have been successfully dragging the proceedings. Though the respondents/landlords have obtained a favourable decree in R.C.O.P.No.34 of 1990, in the year 2001 (i.e.,29.10.2001), they are unable to enjoy the fruits of the decree till date, and the time sought for by the petitioner to vacat and handover the possession is too long.

5. Heard the learned counsel on either sides and perused the materials available on record.

6. Though the affidavit dated 04.04.2025 filed by the first petitioner on behalf of other petitioners is taken record, this Court is not inclined to extend the time upto 31.12.2025 as requested by the petitioners, and this Court grants time to surrender the possession of the property to the decree holder in E.P.No.43 of 2014, on or before **31.05.2025**.



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7. It is made clear that if the revision petitioners failed to vacate and handover the possession on or before **31.05.2025**, the Executing Court is at liberty to execute the warrant after 31.05.2025. The respondents/landlords can also proceed against the petitioners for violating the undertaken given by the petitioners and as an act of contempt of the order of this Court.

8. With the above observations and directions, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

29.04.2025
(2/2)

Index : Yes/No

Speaking/Non-Speaking Order : Yes/No

Neutral Case Citation : Yes/No

klr

To:

- 1.The Rent Controller, Udthagamandalam, The Nilgiris District.
- 2.The Section Officer, V.R. Section, High Court, Madras.



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A.D. JAGADISH CHANDIRA, J.

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