

C.R.P.No.1376 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 29.04.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. No.1376 of 2025
and
CMP. No. 8165 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

K. Bujanga Rao (Deceased)

5. Sumathi B. Rao

Ahamed Shariff (Since Deceased)

6. Narayandass

7.Ganeshan



C.R.P.No.1376 of 2025

8.A.K. Chinnaiah

9.A. Nasrullah

10. A.S. Abdul Gani

Rahima Bi (Since Deceased)

11.Radhakrishnan

Ragavendra Rao (Since Deceased)

12.Jayalakshmi

13.Bhargavi

14.Sri Ram

15.Sri Krishna

16.S. Kanthilal

17.S. Lalithkumar

18. S. Mahaveerchand

19.S. Balchand

... 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 EA No.2 of 2024 in EP No.42 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 R19)



C.R.P.No.1376 of 2025

ORDER

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This civil revision petition has been filed challenging the order dated 13.12.2024 made in E.A.No.2 of 2024 in E.P.No.42 of 2014 in R.C.O.P.No.249 of 1989 on the file of the Rent Controller, Udthagamanadalam, the Nilgiris District, by which, the execution petition in E.A.No.2 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.42 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



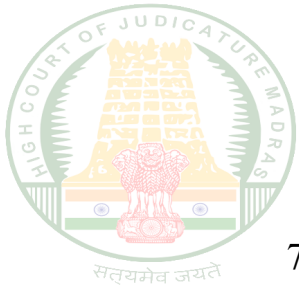
C.R.P.No.1376 of 2025

order passed in R.C.O.P.No.249 of 1989. Subsequently, the petitioners have filed E.A.No.4 of 2024 in E.P.No.42 of 2014, only to drag the proceedings.

The rent control original petition was filed in the year 1989, and the execution petition was filed in the year 2014, and almost 25 years, they have been successfully dragging the proceedings. Though the respondents/landlords have obtained a favourable decree in R.C.O.P. No.249 of 1989, 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 vacate 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.42 of 2014, on or before **31.05.2025**.



C.R.P.No.1376 of 2025

WEB COPY

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
(1/2)

Index : Yes/No

Speaking/Non-Speaking Order : Yes/No

Neutral Case Citation : Yes/No

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To:

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



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C.R.P.No.1376 of 2025

A.D. JAGADISH CHANDIRA, J.

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CRP NO.1376 of 2025

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(1/2)**