



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:04.11.2025

Pronounced on:21.11.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI**CRP. Nos.1361 & 1363 of 2025
and CMP. Nos.19973, 19977, 8085 and 8073 of 2025**

Zircon International Private Limited,
Rep. By its Managing Director,
Mr.S.Sheik Dawood,
Second Floor, Door No.579,
New No.486, Anna Salai, Teynampet,
Chennai 600 006.

Petitioner in CRP. No.1361 of 2025

Premier Tours and Travels Private Limited,
Rep. by its Managing Director,
Mr.S.Sheik Dawood,
Second Floor, Door No.579,
New No.487, Anna Salai, Teynampet,
Chennai 600 006.

Petitioner in CRP. No.1363 of 2025

Vs

1.Syed Hameed Bilal,
S/o.M.K.S.Syed Ahmed Kabir

2.Syed Ahmed Harris,
S/o.M.K.S.Syed Ahmed Kabir

Respondents in both CRPs

COMMON PRAYER: This Civil Revision Petition is filed Article 227 of the Constitution of India, to set aside the order and decree dated



CRP.Nos.1361 & 1363 of 2025

28.08.2024 in M.P.No.1 of 2022 in RCOP. No.504 of 2016 & M.P. No.1 of 2022 in RCOP. No.511 of 2016 passed by the learned XVI Judge, XVI Small Causes Court, Chennai.

For Petitioners : Mr.P.Mohamed Ahmed Ansare
in both CRPs

For Respondents : Mr.V.Rajesh &
R.Naresh Kumar in both CRPs

COMMON ORDER

These two revision petitions are at the instances of the tenants who suffered exparte orders of fixation of fair rent under Section 4 of the Tamil Nadu Building Lease and Rent Control Act, (Act 18 of 1960).

2. I have heard Mr.Mohamed Ahmed Ansare, learned counsel for the petitioners/tenants in both the revision and Mr.V.Rajesh, learned counsel for the respondents 1 & 2/landlords.

3. The learned counsel for the petitioners, Mr.Mohamed Ahmed Ansari, would submit that fraud has been played upon the revision petitioners and by fabricated documents, the respondents have snatched not only exparte orders fixing fair rent for the tenanted premises but also



exparte orders of eviction, pursuant to which, the petitioners have been forcibly dispossessed from the tenanted premises, causing huge losses to the petitioners.

4. The learned counsel for the petitioners, in this regard, would invite my attention to the fact that the petitioners have never admitted jural relationship of landlord and tenant between petitioners and the respondents and they were inducted as tenants only by the father of the respondents and at no point of time, there was any agreement of lease entered into between the petitioners and the respondents. In this regard, the learned counsel would take me through the lease agreements that have been projected by the respondents before the Rent Controller based upon which, the eviction petitions as well as the fair rent petitions came to be filed. The learned counsel for the petitioners would therefore state that when the respondents have forged documents and played fraud in obtaining orders, the petitioners should be given an opportunity to expose the fraud committed by the respondents.

5. He would also invite my attention to the fact that the allegations of fraud were prima facie acceptable to the Rent Controller and that is the



reason why the Rent Controller numbered the Application to set aside the exparte orders fixing rent even without an application for condonation of delay being filed. The learned counsel would therefore pray for the revisions being allowed, setting aside the dismissal of the applications to set aside the exparte orders fixing fair rent by the Rent Controller.

6. Mr.V.Rajesh, learned counsel for the respondents would submit that no doubt the petitioners were inducted originally under the father of the respondents, the revision petitioner in CRP. 1363 of 2025, in respect of first floor and revision petitioner in CRP. No.1361 of 2025 in respect of second floor, but, subsequently, the property has been settled on the respondents by their father and thereafter, even in February 2004, the parties have entered into fresh tenancy agreement enhancing the rent to Rs.24,157/- per month from the then rent of Rs.15,000/-. He would further contend that it is only in 2016 that the respondents filed petitions in R.C.O.P. Nos.504 & 511 of 2017 for fixation of fair rent, as the petitioners had also committed willful default in payment of rents. RCOP. Nos.1715 and 1716 of 2016 were filed for eviction on the ground of willful default as well as own use and occupation.



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7. Insofar as the fair rent petitions, the petitioners did not come forward to contest the same and fair rent was fixed by the Rent Controller at Rs.47,809/- in respect of premises covered by CRP. No.1363 of 2025, by order dated 02.12.2016 and Rs.56,796/- per month with respect to the premises covered by CRP. No.1361 of 2025 by order dated 28.02.2017.

8. He would further contend that subsequently even the eviction petitions were ordered exparte on 16.08.2017 (RCOP. No.1715 of 2016) and 18.12.2020 (RCOP. No.1716 of 2019), Mr.Rajesh, learned counsel would further contend that pursuant to the exparte eviction orders, Execution Petitions were also filed in E.P. No.573 of 2017 and 234 of 2021 and both the eviction orders were executed and EPs came to be terminated on 08.06.2018 and 06.09.2021 respectively. He would further state that the respondents after taking possession of the premises in respect of CRP. No.1363 of 2025, had caused legal notice on 28.06.2018 claiming the difference in rent payable on account of fair rent being fixed. The said notice was received by the revision petitioner in CRP. No.1363 of 2025, but the petitioner did not even come forward to send a reply which necessitated the respondents to file O.S. No.5516 of 2018 on 22.10.2018. The said suit was filed for recovery of a sum of Rs.12,28,438/- in respect



of premises covered in the CRP. No.1363 of 2025. Similarly, in respect of the fair rent payable in respect of premises covered by CRP. No.1361 of 2025, the respondents filed O.S. No.2331 of 2022 on 28.03.2022. He would further state that in O.S. No.2331 of 2022, the property of the petitioner was also attached, pursuant to an exparte order on 07.07.2022. It is only after the order of attachment being given effect to on 07.07.2022, that the petitioners moved the application for setting aside the exparte order fixing fair rent by taking out Applications on 22.08.2022.

9. He would further submit that in the meantime, the petitioners also filed an application to set aside the exparte order in O.S. No.2331 of 2022 and the exparte order was set aside on condition that the petitioners deposit 50% of the suit claim (CRP. No.1361 of 2025), the said order was challenged before this Court and in CRP. No.231 of 2023. However, this Court dismissed the revision on 03.02.2023. Subsequently, on 03.03.2024 in O.S. No.2331 of 2022 has been decreed for a sum of Rs.36,67,583/- (CRP. No.1361 of 2025). The Rent Controller after enquiry has dismissed the Applications to set aside the exparte order in RCOPs fixing fair rent on 28.08.2024. The learned counsel would therefore state that there is absolutely no iota of cause shown by the petitioners, much less sufficient



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cause and they have been participating in the proceedings right from 2018, when they were in the know of the exparte order fixing fair rent. The learned counsel would therefore submit that there is absolutely no reason why the revision should be entertained and any indulgence be shown to the petitioners who have not been successful in establishing sufficient cause as mandated under Section 5 of the Limitation Act, 1963.

10. Mr.V. Rajesh, learned counsel for the respondents would also deny all the allegations of fraud and forgery made against the respondents and he would submit that the order in the eviction proceedings have attained finality and therefore, it is not open to the petitioners to continue to make the very same allegations in the present proceedings as well. The learned counsel would therefore pray for dismissal of the revision petition.

11. I have carefully considered the submissions advanced by the learned counsel on either side.

12. Though the petitioners allege that the respondents have indulged in acts of forgery, fabrication of documents and obtained exparte orders behind the back of the petitioners, it has to be seen in the first place as to



whether the petitioners have made out sufficient cause for setting aside the exparte orders fixing fair rents. Ordinarily, the time granted to the respondents to seek setting aside an exparte order is 30 days under the Tamil Nadu Buildings Lease and Rent Control Rules, 1974. In the present cases, I find that no Application has been taken out under Section 5 of the Act, to set aside the exparte orders, even though the Applications were filed after a gap of four years from the date of the Rent Controller fixing fair rent, 56 months and 54 months respectively in both the cases.

13. Even assuming everything in favour of the petitioners for the sake of argument, atleast in June 2018, when the respondents issued a lawyers notice claiming the fair rent and rental arrears on account of the orders fixing fair rent and the said notice was served on the petitioner in CRP. No.1363 of 2025 and similarly, in respect of CRP. No.1361 of 2025, even in January 2019, the petitioners suffered an orders under Section 11(3) of the Tamil Nadu Building Lease and Rent Control Act, Act 18 of 1960, where they were called upon to pay arrears at the fair rent rate and the Rent Controller also passed an order on 18.11.2020 directing deposit of Rs.30,66,984/-, in such circumstances, the petitioners became aware of the orders fixing fair rent atleast in June 2018, insofar as the petitioner in



CRP No.1363 of 2025 is concerned and January 2019, when the petitioner was served with the Applications filed under Section 11(3) of the Act.

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However, the exparte orders fixing fair rent were never challenged until 22.08.2022. The long silence has not been explained in the affidavits filed in support of the applications to set aside the exparte order fixing fair rents. I find that the petitioners have stated that they had no knowledge about the filing of the fair rent petitions and that they were inducted as tenants only under the father of the respondents herein and that without serving any notice, the respondents have obtained an order fixing fair rent behind his back.

14. Strangely, even in the affidavit it is claimed by the petitioner in CRP. No.1361 of 2025 that the respondents have filed a suit in O.S. No.2331 of 2022 claiming arrears of rent and therefore, they have immediately filed the application to set aside the exparte order. As already discussed, the claim of the petitioner in CRP. No.1361 of 2025 is falsified by the fact that even in January 2019, the petitioners were aware of the order fixing fair rent when an application under Section 11 (3) of the Act was taken out by the respondents and notices were served on the petitioner in the said revision. The reason therefore that the petitioner came to know



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only after being served in O.S. No.2331 of 2022 is clearly an after thought and wholly unacceptable. The Rent Controller has found that the RCOP was allowed exparte on 28.02.2017 and the petition to set aside the exparte decree has been filed only in the year 2022 with considerable delay, without an application to condone delay and on that ground dismissed the application to set aside the exparte decree fixing fair rent. The order passed by the Rent Controller falsifies the contention of the learned counsel for the petitioner that the Rent Controller was satisfied that fraud has been played and therefore, permitted the Application under Order IX Rule 13 of CPC, to be filed without condone delay application.

15. Coming to the other revision in CRP. No.1363 of 2025, in the affidavit filed in support of the application to set aside the exparte order, the petitioner has similarly stated that he was inducted as a tenant under the father of the respondents and there is no jural relationship between the petitioner and the respondents and that only after receiving Court notice in O.S. No.5516 of 2018, the petitioner came to know about the fair rent being fixed and after engaging a learned counsel, the Application has been filed immediately. The averments insofar as the setting aside Application pertaining to CRP.No.1363 of 2025 stand on a worser footing. Admittedly,



even according to the revision petitioner, he had knowledge of the exparte

order fixing fair rent even when he received summons in the year 2013.

The long delay in approaching the Court to set aside the expare order stands unexplained.

16. Even the Rent Controller has dismissed the application finding that the exparte order had been passed on 02.12.2016 and the application to set aside the same has been filed only in the year 2022 with considerable delay and without an application for condonation of delay, has dismissed the application.

17. In view of the above, I do not find any merits in the revision petitions. The petitioner had ample opportunities to approach the Court at much earlier instances, even according to the admitted case of the revision petitioners and having not filed the applications in time and that too filing an applications without proper applications to condone delay in filing the setting aside the application, the petitioner has run the risk of merely filing an application to set aside the exparte order fixing fair rent. The Rent Controller has rightly found that applications are not even maintainable as the applications are not accompanied with Section 5 Application under the



Limitation Act. Even on merits, I find that the petitioners have not been able to show sufficient cause from being prevented from filing the Application in time, or atleast within 30 days from the date of getting knowledge of the respective fair rent orders pursuant to the receipt of lawyers notice dated 28.06.2018, followed up with a suit in O.S. No.5516 of 2018 and in the second case, even in January 2019, when the petitioner was served with Section 11(3) Application, based on the fair rent order fixed by the Rent Controller and the petitioners despite alleging serious fraud, forgery etc., have chosen to approach the Court at their whims and fancies after inordinate delay only in August 2022 and that too, without even seeking the delay to be condoned.

18. In the light of the above, I do not see any merits in these revisions and these Civil Revision Petitions are dismissed. Consequently, connected Miscellaneous Petitions are also dismissed. No costs.

21.11.2025

rkp

Index : Yes / No

Internet : Yes / No



CRP.Nos.1361 & 1363 of 2025

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To:
The XVI Judge, XVI Small Causes Court,
Chennai.

P.B.BALAJI, J.,

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Pre-delivery order in



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