



WEB COPY

CRP No. 3434 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRP No. 3434 of 2025

and

CMP No.18732 of 2025

J.Santhosh
Proprietor, Guess Collections,
Basement No.21/214,
Kapilavastu Complex,
Purasawalkam High Road,
Purasawalkam, Chennai-600 007

Petitioner(s)

Vs

1. M.Nirmal Kumar
- 2.Aarti Maheswari
- 3.Amarth Kavar Bafna
- 4.Style Spirit
Door No.213 and 214 ,
Purasawalkam high Road,
Purasawalkam Chenani-600 007



5. Poorvika Mobiles

Door No.213 and 214,
Purasawalkam high Road,
Purasawalkam Chenani-600 007

6. M/s Salal Enterprises

Door No.213 and 214,
Purasawalkam high Road,
Purasawalkam Chenani-600 007

7. M/s J.J. Mobile World,

Door No.213 and 214,
Purasawalkam high Road,
Purasawalkam Chenani-600 007

8. M/s Singapore Gold House

Door No.213 and 214,
Purasawalkam high Road,
Purasawalkam Chenani-600 007

9. M/s Mummy Fashion

Rep by its Proprietor,
Mr. Jaganathan, Door No.213 and 214,
Purasawalkam high Road,
Purasawalkam Chenani-600 007

Respondent(s)

PRAYER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 28-04-2025 passed in



E.A.Sr.No.17118/2025 in E.P.No.244/2023 on the file of the XI Judge, Court of Small Causes, Chennai.

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For Petitioner(s): Mr. K.R. Ramesh Kumar

For Respondent(s): Mr. S Vasudevan,
for R1 & R2

ORDER

The Civil Revision Petition has been filed challenging the order passed by the Execution Court dismissing the application filed by the petitioner, who filed an obstruction petition.

2. Originally, the RCOP has been filed against the chief tenant and sub tenant. The symbolic possession has been recorded as against the chief tenant. However, the sub tenants objected to the delivery of possession, which was the subject matter before this court in CRP Nos.55, 63, 64, 68 & 71 of 2024. This court directed the Execution Court to proceed expeditiously and dispose of the execution petition in E.P.No.485 of 2012. The said order was also confirmed by the Hon'ble Apex Court, and the SLP filed against it was dismissed in Diary no.13739 on 07.04.2025.



3. Now once again, an application under Order XXI Rule 97 CPC has been filed by the revision petitioner claiming to be a sub tenant. The said application has also been dismissed. Aggrieved thereby, the present revision has been filed .

4. When the Court was about to dismiss the revision on merits, an affidavit of undertaking has been filed by the revision petitioner, admitting that out of four shops, two shops have been vacated today itself and eviction of the said two shops has been acknowledged by the respondent. In respect of the remaining two shops, the petitioner undertakes to vacate and hand over possession on or before 31.01.2026. An affidavit to that effect has also been filed.

5. The learned counsel for the respondent fairly submitted that he has no objection for granting such final time.

6. The affidavit of undertaking filed by the petitioner is taken on record.

7. It is made clear that in the event of any violation of the said undertaking, the same shall invite the contempt proceedings against the petitioner.



8. Accordingly, the Civil Revision Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed. Time is granted to the revision petitioner/tenant to hand over vacant possession of the subject premises to the respondent/landlord on or before 31.01.2026. The affidavit of undertaking filed by the revision petitioner dated 08.08.2025 shall form part of the record. The Execution Court is directed to pass orders in E.P.No.244 of 2023, which was filed in respect of other tenant, as expeditiously as possible.

08-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

The XI Small Causes Court,
Chennai



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N.SATHISH KUMAR J.

mrp

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