



C.R.P.No.2997 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.2997 of 2025

A.Vimalakumari

... Petitioner

Vs.

D.Rhaagesh Saah

... Respondent

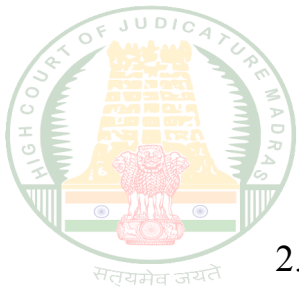
Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 25.04.2025 in R.C.A.No.1 of 2024 on the file of Principal District Court, Kancheepuram confirming the fair and decretal order dated 21.08.2023 in R.L.T.O.P.No.3 of 2020 on the file of Rent Controller, Kancheepuram, thereby ordering eviction of the revision petitioner from the R.L.T.O.P Schedule property on the ground of willful default.

For Petitioner : Mr.S.L.Sudarsanam

For Respondent : Mr.K.S.Navin Balaji

ORDER

Heard Mr.S.L.Sudarsanam, the learned counsel for the revision petitioner/tenant and Mr.K.S.Navin Balaji, learned counsel for the caveator.



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2. This revision has been filed challenging the concurrent orders of eviction passed by the Rent Controller and Rent Control Appellate Authority.

3. It is contended by Mr.Sudarsanam, learned counsel for the petitioner/tenant that though caveat had been filed in the present revision and counsel for the caveator was also served with all the papers, on the date when the revision came up for admission, there was no representation on behalf of the caveator and hence, this Court had granted an order of interim stay and adjourned the matter.

4. On the adjourned date, the counsel for the caveator has appeared and brought to the notice of this Court that the possession was delivered to the respondent/caveator (landlord) on 11.07.2025. Recording the said submission, the stay granted by this Court was vacated and this Court also called for the records of the trial Court/ Executing Court.

5. Today, the records have also come and I find that the Executing Court has taken note of the report of the Baliff that the respondent has voluntarily taken back the articles and in view thereof, there was no necessity to execute the warrant and recording the same, execution proceedings was also terminated. It is seen that counsel the petitioner was very much present



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when this order came to be passed and execution proceedings was terminated on 15.07.2025. However, it is the contention of Mr.S.L.Sudarsanam, learned counsel for petitioner that there are still some more articles available in the premises and the Bailiff has not even taken inventory required under Order XXI Rule 96 of the Code of Civil Procedure, 1908. He would also bring to the notice of this Court that an interlocutory application has been taken in E.A (SR) No.2996 and 2997 of 2025 for recalling the order passed by the Executing Court and for other reliefs.

6. Considering the fact that the possession has been taken and the Executing Court has also recorded that it was only the brother of the respondent's husband, who appeared before the Bailiff and offered to take back all the belongings of the petitioner/tenant and subsequently, on the same day took back the articles, I do not see any purpose in keeping this revision pending. Further, I have gone through the orders passed by the Rent Controller and Rent Control Appellate Authority. The Courts below have rightly taken note of the fact that subsisting the tenancy agreement between the parties, the Act came into force and applying the ratio laid down in ***S.Muruganandam Vs. J.Joseph*** reported in **2022 2 CTC 291**, the Courts below have rightly held that respondent/landlord was entitled to seek



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recovery of possession even on the ground of default in rent under Section 21(2)(b). I do not see any error committed by the Court below warranting interference in this revision.

7. Accordingly, this Civil Revision Petition is dismissed with liberty granted to the petitioner to put forth all his contentions in the pending E.A (SR) No.2996 and 2997 of 2025, which the Court shall take up on file, if it is otherwise in order and pass orders on merits after giving an opportunity to the respondent. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

19.09.2025

gpa

To

The Principal District and Sessions Judge
Coimbatore



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P.B.BALAJI.J.,

gpa

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