



WEB COPY

CRP No. 4391 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4391 of 2025

and

C.M.P.No.22465 of 2025

1. M/s. Palace Lodge

Rep by its Partners George Kuriakose
and Joseph Kuriakose, Municipal Door
No. 27/28, Old No 21/22, previous No.
32, New Door No. 69, Egmore High
Road, Near S2 Police Station, Chennai
008

2. George Kuriakose

S/o. K.C. Kuriakose Door No. 20, Sait
Colony 2nd Street, Egmore, Chennai
008

3. Joseph Kuriakose

S/o. K.C.Kuriakose Door No. 20, Sait
Colony 2nd Street, Egmore, Chennai
008

Petitioner(s)

Vs

1. Shifa Khan-E-Saiyedna Yusuf

a Charitable Trust

Zampli Pole, Najampuram Sidhpur,



Gujarat 384 151, rep by its Authorized
Signatory Mohammed Yusuf Madras
Wala 12/13, Periyanna Maistry Street,
2nd Floor, Parry's Corner, George Town
Chennai 001.

Respondent(s)

PRAYER

Civil Revision Petition filed under Section 227 of Civil Procedure Code, against the order of eviction dated 25.04.2025 made in EP No.111 of 2025 in RLTOP No. 487 of 2021 on the file of the Hon'ble X Court of Small Causes, Chennai.

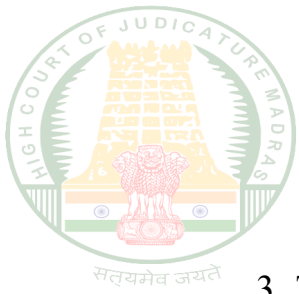
For Petitioner(s): Mr.N.Elumalai

For Respondent: Mr.M.Velan

ORDER

Heard the learned counsel for the petitioner/tenant and the learned counsel appearing for the respondent/landlord.

2. The Civil Revision Petition has been preferred against the order of delivery passed by the Executing Court. The Executing Court having taken note of the fact that there is no stay granted by the Appellate Rent Tribunal, has rightly proceeded to pass orders in the Execution Petition.



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3. The learned counsel for the petitioner/tenant would contend on merits that this is the second Execution Petition and therefore, the Execution Petition itself ought not to have been entertained. However, I find that the learned Rent Court has rightly taken into account the decision of the Hon'ble Supreme Court of India reported in **2022 SCC Online SC 1704**, wherein the Hon'ble Supreme Court of India has discussed the maintainability of the second Execution Petition, as long as the same is filed within time. Here also, the Execution Petition has been filed well within time and therefore, there is no impediment for the landlord to maintain the second Execution Petition seeking recovery of possession.

4. However, it is brought to my notice that the tenant has already preferred R.L.T.A, which is pending in RLTA.SR.No.5102 of 2023. In order to give an opportunity to the petitioner/tenant to workout his remedy in accordance with law, the Executing Court shall defer the order of delivery for a period of eight (8) weeks from the date of receipt of a copy of this order and within such



time, it is open to the petitioner to workout all his remedies in accordance with law, failing which, the order of the Executing Court shall be enforced.

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5. In fine, the civil revision petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Shifa Khan-e-saiyedna Yusuf A
Charitable Trust
Zampli Pole, Najampuram Sidhpur,
Gujarat 384 151 rep by its Authorized
Signatory Mohammed Yusuf Madras
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P.B.BALAJI, J.

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