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C.R.P.No.4289 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4289 of 2025 and CMP No.22016 of 2025

N.Sivakumar

.... Petitioner

Vs

1.C.N.Poongodi

2.C.N.Yasodhai

3.C.N.Krishnaveni

4.C.N.PRithviraj Kumar

Represented by his Power Agent

C.N.Krishnaveni

....

Respondents

Revision filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act challenging the impugned order and decretal order passed in MN o.1 of 2025 in RCA SR No.4758 of 2025 vide order dated 06.08.2025 on the file of VII Small Causes Court at Chennai.

For Petitioner: M.S.C.Sezhiyan

For Respondent: Mr.P.C.Harikumar

For M/s P.C.Harikumar and Associates



C.R.P.No.4289 of 2025

ORDER

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Heard the learned counsel for the petitioner/tenant and the learned counsel for the respondents/landlords.



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C.R.P.No.4289 of 2025

P.B.BALAJI.,J

sr

2. The present revision has been filed challenging the dismissal of I.A.No.1 of 2025 before the appellate authority/VII Court of Small Causes, Chennai, refusing to condone the delay of 810 days in preferring Rent Control Appeal.

3. The respondents sought for eviction of the petitioner on the ground of wilful default and also ceasing to occupy the premises. Eviction was ordered by the XI Small Causes Court, Chennai and the respondents have also filed E.P.No.324 of 2024 for executing the eviction order. In the meantime, the petitioner/tenant has come up with an application to condone the delay of 810 days in preferring Rent Control Appeal.

4. The reasons assigned by the petitioner/tenant were found to be not

3/14



C.R.P.No.4289 of 2025

true and finding that the petitioner has not shown sufficient cause, the

Appellate Authority dismissed the application in M.P.No.1 of 2025, filed for condoning the delay of 810 days in preferring the appeal.

5. Learned counsel for the petitioner/tenant states that the petitioner may be given a chance to contest the appeal, considering the fact that the petitioner/tenant has been paying monthly rent regularly at the rate of Rs.7,000/-. Learned counsel further states that the business which is carrying on by the petitioner/tenant is the only source of his livelihood and therefore, a fair opportunity may be given to the petitioner/tenant to prosecute the appeal on merits.

6. Per contra, learned counsel for the respondents states that the petitioner has entered appearance in the Execution Petition through different counsel and filed an affidavit of undertaking, undertaking to vacate the premises within a period of nine months and despite such undertaking having



C.R.P.No.4289 of 2025

been filed in September 2024, till date, the petitioner/tenant has not vacated the premises and hand it over to the respondents/landlords.

7. I have carefully considered the submissions made by the learned counsel on either side and also gone through the impugned order dated 06.08.2025 passed by the Appellate Authority viz., VII Small Causes Court, Chennai, dismissing M.P.No.1 of 2025. The Appellate Authority has discussed the respective contentions of the parties in detail and rightly came to the conclusion that the petitioner/tenant has not made out sufficient cause for condoning the huge delay of 810 days. In fact, the Appellate Authority has also found that the petitioner/tenant has given false reasons in the affidavit accusing the counsel, who entered appearance for the petitioner/tenant earlier.

8. I do not find any infirmity or perversity in the finding arrived at by the Appellate Authority. However, considering the request made by the learned counsel for the petitioner/tenant that the business, which he is



C.R.P.No.4289 of 2025

carrying on, is the only source of income, I am inclined to grant time to the petitioner/tenant to vacate the premises by 30.04.2026, subject to the petitioner filing an undertaking affidavit within a period of one week from the date of receipt of a copy of this order, clearly stating that he would peacefully vacate the premises, without driving the respondents to resort to Execution Proceedings and that he will also not sublet the tenanted premises to any third parties.

9. The petitioner/tenant shall pay a sum of Rs.10,000/-(Rupees Ten Thousand only) from September 2025 till 30.04.2026, or till such time he vacates the premises and hands over vacant possession to the respondents/landlords, if the petitioner vacates earlier.

10. The affidavit shall be filed after serving a true copy of the affidavit on the learned counsel for the respondents.



C.R.P.No.4289 of 2025

11. With the above directions, the civil revision petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

17.09.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order
sr

To

1.VII Small Causes Court, Chennai

2.XI Small Causes Court, Chennai



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C.R.P.No.4289 of 2025
P.B.BALAJI,,J

sr

C.R.P.No.4289 of 2025

17.09.2025



C.R.P.No.4289 of 2025

CRP No.4289 of 2025

WEB COPY

P.B.BALAJI.,J

The matter has been taken up today under the caption “For Being Mentioned”.

2. The affidavit of undertaking had been filed by the revision petitioner on 13.11.2025.

3. Mr.P.C.Harikumar, learned counsel for the respondents/landlords would state that the affidavit of undertaking does not conform to usual affidavit of undertaking. He also brings to my notice that the copy of the undertaking that has been filed before the executing Court has not been taken on file on the ground that it is not in conformity with the order passed by this Court on 17.09.2025.

9/14



C.R.P.No.4289 of 2025

WEB COPY

4. This Court, while granting time to the petitioner to vacate by 30.04.2026, directed the petitioner to file an undertaking affidavit that he

would vacate and hand over the premises peacefully and without driving the respondents to resort to Execution Proceedings and that he will also not sublet the tenanted premises to any third parties and further the petitioner/tenant is directed to pay a sum of Rs.10,000/-(Rupees Ten Thousand Only) from September 2025 till 30.04.2025, or till such time he vacates the premises and hands over vacant possession to the respondents/landlords, in the event of the petitioner vacating earlier to 30.04.2026.

5. The undertaking affidavit, filed by the petitioner, no doubt, does not spell out the above terms specifically. However, I see that the petitioner has



C.R.P.No.4289 of 2025

stated that he shall abide by the Court's order in good faith. The reference is to the order dated 17.09.2025. Learned counsel for the petitioner/tenant affirms the same.

6. Mr.P.C.Harikumar, learned counsel for the respondents made additional request that the rents shall be paid to the third respondent.

7. In view of the above submission, eight months rent shall be paid to the third respondent/C.N.Krishnaveni by way of demand draft/cheque, favouring C.N.Krishnaveni and if it is by cheque, then, it is subject to realisation.

8. The order dated 17.09.2025 is clarified as indicated above.



WEB COPY



C.R.P.No.4289 of 2025

01.12.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order
sr

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1.VII Small Causes Court, Chennai

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WEB COPY



C.R.P.No.4289 of 2025

P.B.BALAJI.,J

sr

C.R.P.No.4289 of 2025

01.12.2025



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C.R.P.No.4289 of 2025