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CRP NO. 4575 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP NO. 4575 of 2025 and CMP No.23215 of 2025

A.Boopathi

Petitioner

Vs

1. B.Shanthi

2.P.Mahalakshmi

Respondent(s)

Revision filed under Section 115 of Civil Procedure Code to set aside the impugned order daetd 08.08.2025 in E.P.No.1 of 2024 in O.S.No.163 of 2019 on the file of Sub Court, Avinashi.

For Petitioner(s):

M.Sivavarthan

For Respondent(s):

Mr.T.Annamalai
For Mr.S.Rajkumar
For R1

ORDER

Heard the learned counsel for the parties

2. Pursuant to the last hearing dates, the petitioner/husband has filed an affidavit dated 16.10.2025 stating that he has no objection for the vacant



residential ground floor measuring 1000 sq.ft to be let out by the first respondent/wife on the prevailing market rents and receive the rents and advance. The said affidavit also records the fact that the petitioner is in occupation of the first floor for residential area and 400 sq.ft in the ground floor for his business purpose.

3. According to the petitioner, the ground floor residential portion would fetch only Rs.5,000/-. However, the said claim of the husband was countered by the counsel for the 1st respondent/wife stating that the ground floor portion would fetch much more by way of rental income.

4. Be that as it may, the fact that the property as on date is, subject to the final decision in the pending civil suits, stands in the name of first respondent, there can be no impediment for the first respondent to lease out the ground floor residential portion, which is now admittedly lying vacant and measuring 1000 sq.ft. The petitioner has also expressed no objection for the first respondent letting out the residential portion of 1000 sq.ft in the ground floor.



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5. In the light of the above the order of delivery in EP No.1 of 2024 dated 08.08.2025 is set aside and the revision is allowed on the following terms:-

(i) the petitioner shall hand over keys to the ground floor residential portion measuring 1000 sq.ft to the first respondent either in person, or through counsel within a week from the date of receipt of a copy of this order.

(ii) The first respondent shall be at liberty to rent out the property, at any rent of her choice and also collect appropriate rental advance and induct the tenant into possession of the said residential ground floor portion measuring 1000 sq.ft, after entering into the necessary agreement directly with the proposed tenant.

(iii) The application in I.A.No.451 of 2024 which has been filed to condone the delay of 230 days in filing the application to set aside the exparte decree in O.S.No.163



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of 2019 shall be expedited and the trial court shall conduct enquiry after giving opportunity to the parties to address arguments and decide the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

(iv) The permission granted to the first respondent to lease out the vacant ground floor portion is without prejudice to the claims of the petitioner in the pending suits.

No costs. Consequently, connected miscellaneous petition is closed.

31-10-2025

To

The Sub Court, Avinashi

CRP NO. 4575 of 2025