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CRP No.5065 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.10.2025

DELIVERED ON: 31.10.2025

CORAM:

THE HONOURABLE Mr. JUSTICE P.B.BALAJI

CRP No.5065 of 2025 and CMP No.25534 of 2025

1.P.M.Thomas
2.T.Perumal
3.L.S.Kamesh
4.R.Kamaraj
5.Curtains King

... Petitioners

Vs

1. Vyasarpadi Vinayagar Mudaliar Charities
Rep by its Secretary,
Sri D.Jayaprakash Narayanan,
No.22, South Mada Street, Mylapore,
Chennai-600 004.

2.R.Ganapathy
3.R.R.Chandrasearan
4.Lalitha
5.Harikrishnan
6.Vasanth Santhanam
7.Lakshmi Krishnan
8.Bhanumathi Rajan
9.V.Sivasubramanian
10.S.Ramachandran
11.Mala Raman



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12.Kamala Krishnakumar

13.Curtain Specialist,
No.217, Valluvarkottam High Road,
Nungambakkam, Chennai-600 034.

14.Then India Makal Munnetra Katchi,
(தென்னிந்திய மக்கள் முன்னேற்றக் கட்சி)
No/217, Valluvarkottam High Road,
Nungambakkam, Chennai-600 034.

15.Albert Clevin

16.K.Selvam

17.TASMAC
(Tamil Nadu State Marketing Corpn.Ltd)
(A Government of Tamil Nadu Undertaking)
Rep by its Regional Manager,
No.217, Valluvarkottam High Road,
Nungambakkam, Chennai-600 034.

18.K.E.Kothandam

.... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code aggrieved over the fair order and decretal order dated 19.08.2025 passed by the Registrar, Small Causes Court, Chennai, allowing the removal or obstruction filed under Order XXI Rule 97 CPC Section 151 in E.A.No.10 of 2019 in E.P.No.979 of 2019 in Ejectment Suit No.5 of 2005.

For Petitioners : Mr.B.Harikrishnan

For Respondents : Mr.E.Senthil Kumar
For M/s Sampathkumar Associates



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ORDER

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The revision petitioners challenge an order passed by the Registrar, Small Causes Court, Chennai, allowing an application for removal of obstruction filed by the respondents under Order XXI Rule 97 of Civil Procedure Code, in execution proceedings relating to Ejectment Suit No.5 of 2005.

2. I have heard Mr.B.Harikrishnan, learned counsel for the petitioners and Mr.E.Senthilkumar for M/s Sampathkumar Associates, learned counsel for the respondents.

3. Mr.B.Harikrishnan, learned counsel for the revision petitioners would first and foremost challenge the very jurisdiction of the Registrar of Small Causes Court to decide an application filed under Order XXI Rule 97 of Civil Procedure Code, for removal of obstructions. Learned counsel for the petitioners would submit that by amendment to Civil Procedure Code in the year 1976, the power of the Registrar, Small Causes Court has been taken away to pass any orders for removal of obstructions and therefore, it is his contention that the order is void and non-est in the eye of law.



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4. Learned counsel for the petitioners submit that any application for removal of obstructions can be maintained only before the Court and the Registrar, not being a Court, is not entitled to decide an application, which involves determination of right, title and interest in immovable property. Placing reliance on Section 34 of The Presidency Small Causes Courts Act, 1882, (hereinafter referred to as “Act”) Mr.B.Harikrishnan, learned counsel would submit that the power of the Registrar is limited to suits of a value not exceeding Rs.20/-, and which is admittedly not so in the present case. Therefore, he would state that the order passed by the Registrar, Small Causes Court is illegal, void and without jurisdiction and consequently, liable to be set aside. In support of his contention, the learned counsel relied on the following decisions:-

(i) Sadhanandhan vs Leelavathy reported in *(1988) 1 MLJ 122*

(ii) Annammal vs R.Narasimhan reported in *(1992) 2 MLJ 22*

(iii) Balkrishna Sakalchand Shah vs Mohamed Ikbal Mohamed Husen reported in *AIR 1977 Gujarat 160*

and

(iv) Sarojamma vs K.M.Venkatesh reported in *ILR 2007 KAR 3309*



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5. Per contra, Mr.E.Senthil Kumar, learned counsel for the respondents would submit that under the provisions of the Presidency Small Causes Courts, Act, 1882, the Registrar of Small Causes Court is vested with all powers that are available to a Court to deal with execution petitions arising out of an ejectment suit. Learned counsel would place reliance on Section 35 of the Act in this regard. Learned counsel for the respondents would therefore state that none of the decisions that have been relied on by the learned counsel for the petitioners would even apply to the facts of the present case. Learned counsel would therefore contend that the order passed by the Registrar was well within his jurisdiction and power and no interference is warranted. Learned counsel for the respondents would also rely on the decision of this Court in the case of ***K.Chandrasekaran vs K.Syamalamba (died) and others*** in ***CRP No.2210 of 2016 dated 10.04.2023***.

6. I have carefully considered the submissions made by the learned counsel on either side.

7. The main ground of attack to the order of removal of obstruction



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that has been passed by the Registrar of Small Causes Court is that the Registrar was not competent to entertain an application filed under Order XXI Rule 97 of Civil Procedure Code in the first place and any such application has to be made and decided only by the Court and admittedly, the Registrar is not a Court within the definition of the Court under the Presidency Small Causes Courts Act, 1882.

8. The relevant provisions which would have bearing in the ultimate decision to be taken in the present revision are extracted hereunder:-

“14. Registrar may be invested with powers of a Judge in suits not exceeding (two hundred rupees):-

The State Government may invest the Registrar with the powers of a Judge under this Act for the trial of suits in which the amount or value of the subject matter does not exceed (two hundred rupees). And, subject to the orders of the Chief Judge, any Judge of the Small Cause Court may, whenever he thinks fit, transfer from his own file of the Registrar any suit which the latter is competent to try.



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34. Registrar to hear and determine suits like a Judge:-

The suits cognizable by the Registrar under Section 14 shall be heard and determined by him in like manner in all respects as a Judge of the Court might hear and determine the same:

Provided that, subject to the control of the Chief Judge, any Judge of the Court may, whenever he thinks fit, transfer to his own file any suit on the file of the Registrar.

35. Registrar may execute all decrees with the same powers as a Judge:-

The Registrar may receive applications for the execution of decrees of any value passed by the Court and may commit and discharge judgment-debtors, and make any order in respect thereof which a Judge of the Court might make under this Act.

9. A plain reading of **Section 14** indicates that the Registrar can be invested with powers of a judge under the Presidency Small Causes Courts Act, 1882 for trying suits, in which the value of the subject matter does not exceed Rs.200/-. The word “twenty” has been substituted with the word “two



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hundred” by the Tamil Nadu Act 26 of 1995.

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10. Be that as it may, whether it is “twenty” or “two hundred”, the arguments of the learned counsel for the petitioners would still survive since admittedly the value of the property in the present case is far in excess of even Rs.200/-. However, the fanciful arguments of Mr.B.Harikrishnan, learned counsel for the petitioner are misplaced for the following reasons:-

(i) Section 34 of Act deals with the power of the Registrar to hear and determine, in other words, try suits like a Judge of the Court.

(ii) Section 34 of the Act recognises suits which the Registrar is competent to try under Section 14 of the Act.

(iii) Section 14 of the Act caps the value of the suits which can be tried by the Registrar.

(iv) In the present case, the Registrar is not trying the suit,



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but only taking up the execution proceedings.

(v) Section 35 of the Act empowers the Registrar to receive applications for execution of the decrees of any value passed by the Court and has the power to commit and discharge judgment-debtors and also make any order in respect thereof, which a the Judge of the Court might make under this Act.

vi) In the light of the language employed in Section 35 of the Act, there is no pecuniary limit fixed for the Registrar to decide applications for execution of decrees passed by the Court.

(vii) In the light of Section 35 of the Act, the Registrar, Court of Small Causes was well within his right and power to decide the execution petition, including the application for removal of obstructions under Order XXI Rule 97 of Civil Procedure Code.



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11. Coming to the decisions that have been relied on by the learned counsel on either side, in the case of ***Sadhanandhan vs Leelavathy***, reported in ***(1988) 1 MLJ 122***, the tenant had filed the revision before this Court, challenging the competency of the Registrar of Small Causes Court to issue a distress warrant for an unlimited amount. Section 14 of the Act was considered by this Court, along side Section 53 of the Act and this Court held that the distress proceedings fell under Chapter 8 of this Act and are special proceedings in the nature of execution and in such circumstances, the Registrar, Court of Small Causes did not have jurisdiction to decide the application and his authority was limited to receiving the application and ultimately the matter had to be dealt only by the Judge under Section 62 of the Act.

12. Similarly in the case of ***Annammal vs R.Narasimhan*** reported in ***(1992) 2 MLJ 22***, it was a case where a distress warrant had been issued and this Court following the ratio of ***Sadhanandhan's case*** discussed herein above, held that an application under Section 60 of the Act cannot be decided by the Registrar of Court of Small Causes. The Gujarat High Court



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in the case of ***Balakrishna Sakalchand Shan vs Mohamed Ikbal Mohmed***

Husen reported in ***AIR1977 Gujarat 160***, again, was dealing with the jurisdiction of the Registrar to rectify an error by modifying the distress warrant and held that the Registrar does not have jurisdiction to pass such orders.

13. In the case of ***Sarojamma vs K.M.Venkatesh*** reported in ***ILR 2007 KAR 3309***, the Karnataka High Court was dealing with the power of the Small Cause Court to take cognizance of suits filed for ejectment of tenant in a premises to which the Karnataka Rent Act, 1999 applies and under such circumstances, the Division Bench of Karnataka High Court held that the Small Cause Court cannot take cognizance of suits filed seeking ejectment, rent, damages, mesne profits etc., even in respect of premises to which Karnataka Rent Act was not applicable, provided the valuation of the same being within the pecuniary jurisdiction.

14. Answering the reference made to the Division Bench, the Karnataka High Court held that the proper remedy was to file a suit before City Civil Judge who alone could entertain the suits for bare ejectment and



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arrears of rent.

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15. I do not see how this decision would apply to the facts of the present case since the questions that were referred to the Division Bench of the Karnataka High Court were regarding the jurisdiction of the Small Causes Court vis-a-vis Civil Court in the light of the provisions of the Special Enactment viz., Karnataka Rent Control Act.

16. Even otherwise, the other decisions that have been relied on by the learned counsel for the petitioners are all pertaining to distress warrants and with reference to the same, this Court finding that “distresses” was a special specific Chapter-8 under the Act and applications should be made only to the Court, proceeded to hold that the Registrar cannot have any jurisdiction. These decisions unfortunately will also not apply to the facts of the present case, since the Registrar in the instant case, has dealt only with an application in a pending execution petition. When the Registrar has been clothed with all powers of a Court under Section 35 of the Act irrespective of any value, I do not see how even Sections 14 and 34 would apply.



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17. In the present case, the Registrar is in the process of executing a decree passed by the Court and it is not a case where he is trying the suit under Section 14 or 34, to even apply. When the Registrar is empowered to execute any decree and order passed by the Court, then, it is axiomatic that the Registrar is also empowered to decide an application under Order XXI Rule 97 of Civil Procedure Code.

18. In the light of the above, I am unable to countenance the arguments of the learned counsel for the petitioners that the Registrar lacks jurisdiction to try the application under Order XXI Rule 97 of Civil Procedure Code.

19. Even on merits, I find that the Registrar has rightly factored the objections of the obstructors and proceeded to reject the same and ultimately, ordered removal of obstructions caused by the obstructors.

20. For the foregoing reasons, I do not find that the said order is perverse, illegal or improper warranting interference of the order passed by the Registrar, Court of Small Causes, Chennai.



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21. In the result, the civil revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/Non-speaking order

sr

To

The Registrar, Small Causes Court, Chennai



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sr

Pre-Delivery Order in CRP No.5065 of 2025

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C.R.P.No.5065 of 2025
and
CMP No.25534 of 2025

P.B. BALAJI, J.

After pronouncement of the order, the learned counsel for the petitioners sought time to vacate the tenanted premises.

2. Mr.E.Senthil Kumar, learned counsel appearing for the respondents, however state that the warrant is ready for execution and no indulgence should need to be shown.

3. However, considering the fact that the petitioners are in occupation of the premises for the past 4 decades, I am inclined to grant time till 31.01.2026, provided that the petitioners file an Affidavit of Undertaking on or before 07.11.2025, stating that they shall vacate the premises by 31.01.2026, without driving the respondents to proceed with the pending execution petition and that they shall not let in any third party in the tenanted premises.



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4. Needless to state that, if no such affidavit is filed by 07.11.2025, then the time granted herein above shall not enure any benefit to the petitioners.

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