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CRP No.5723 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.5723 of 2025 and CMP No.28494 of 2025

1.M/s B.D.V.S.Showroom

Rep by its Parners,

2.Ms.M.Anilatha

3.Vijayakumar F.C

4.K.M.Vilasini

... Petitioners

Vs.

1.T.Rajendran

2.D.Manohar

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 23.10.2025 passed in E.P.No.1037 of 2025 in R.L.T.O.P.No.97 of 2024 pending on the file of XV Small Causes Court, Chennai.

For Petitioners : Mr.Gowwtham Thelak V.B

For Respondents : Mr.K.Venkateswaran



ORDER

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Heard Mr.Gowwtham Thelak, learned counsel for the petitioners and Mr.K.Venkateswaran, learned counsel for the respondents.

2. The primordial submission made by the learned counsel for the revision petitioners is that pursuant to the order of eviction passed by the Rent Court in the Execution Petition filed by the respondents, the executing Court has applied the provision of Order 21 of Civil Procedure Code and dispensed with the notice to the revision petitioner/tenant. The learned counsel would invite my attention to Section 39 (3) of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 which enables the Rent Court to execute any final order passed, in a summary manner and dispose of the execution petitions within 30 days from the date of service of notice on opposite party. Therefore, Sub Section (3) of Section 39 of the Act mandates of service of notice on the tenant before an order can be passed in the execution petition. In this case, there is a clear violation of Section 39(3) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, warranting interference in revision. However, it is brought to my notice by the learned counsel for



CRP No.5723 of 20__

the petitioners that an appeal has been filed challenging the order of eviction in R.L.T.O.P.No.97 of 2024 and since there is a delay in filing the appeal, an application under Section 5 of Limitation Act has been taken out and the same is now posted for hearing on 12.02.2026, before the I Additional City Civil Court, Chennai.

3. Mr.K.Venkateswaran, learned counsel for the respondents 1 and 2 would state that the provisions of the Civil Procedure Code can be applied to execution proceedings and the matter being contested before the Rent Court, the petitioner cannot expect further notice to be served on him, before any order is passed in the execution petition. He would therefore state that the order of the delivery passed by the Rent Court does not call for any interference. He would also contend that as on the date of the order being passed by the Rent Court in the Execution Petition, admittedly, there is no stay order from any superior Court especially the Rent Tribunal and it is only the application to condone the delay in filing the appeal that is pending, admittedly. He would therefore pray for the revision being dismissed.

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

3/6



WEB COPY

CRP No.5723 of 20__



5. The executing Court (Rent Court) without ordering notice to the respondents, has perused the records and noticing that the execution petition is filed within two years from the date of decree, notice to the respondent/judgment debtor has been dispensed with. The provisions of the Code of Civil Procedure are expressly excluded for the purposes of execution in matters arising under the TNRRRLT Act. Further, Section 39(3) of the Act specifically mandates orders to be passed only after service of notice on the opposite party and hence the question of dispensed with notice does not arise, that too, applying the provisions of Order XXI of the Civil Procedure Code.

6. In the light of the above, I am inclined to set aside the order of delivery. However, now that the petitioner has been put on notice in the Execution Petition and admittedly an attempt is made to challenge the order of eviction by preferring an appeal before the Rent Tribunal, the civil revision petition is allowed in the following manner:-

- (i) the order of delivery dated 23.10.2025 passed in E.P.No.1037 of 2025 is set aside.



CRP No.5723 of 20__

(ii) the application for condonation of delay in I.A No.1 of 2025 in RLTA SR No.14732 of 2025 pending on the file of I Additional City Civil Court, Chennai shall be advanced to 12.01.2026 and the respondents shall file a counter on that day and the application shall be enquired and decided on or before 31.01.2026.

(iii) In the event of the application being dismissed, the Rent Court is entitled to proceed with the execution petition and in the event of the condone delay application being allowed, the petitioners shall be given a breathing time of two weeks to enable them to obtain interim stay before the Rent Tribunal.

No costs. Consequently, connected miscellaneous petition is closed.

16.12.2025

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
To

5/6



CRP No.5723 of 20_~

1. The I Additional City Civil Court, Chennai

2. The XV Small Causes Court, Chennai

P.B.BALAJI,,J

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CRP No.5723 of 2023

16.12.2025