



C.R..P.(NPD)(MD).No.810 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.810 of 2025

and

C.M.P(MD) No.4365 of 2025

1. S.Mehru
2. S.Fathima
3. S.Satham Husain

... Petitioners/Respondents
Respondents

Vs.

1. M.Santhana Mariyammal
2. M.Kanni Selvaraj
3. M.Kanni Malarselvi
4. M.Kanni Velmurugan
5. M.Backiyalakshmi

... Respondents/Petitioners/
Petitioners.

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the Execution Petition and order passed in E.P.No.4 of 2024 in R.C.O.P.No.12 of 2019 on the file of the Principal District Munsif Court, Thirumangalam, dated 24.01.2025 by allowing this Civil Revision Petition.



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For Petitioners : Mr.R.Ganesan

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ORDER

The tenants in R.C.O.P.No.12 of 2019 on the file of the Principal District Munsif Court, Thirumangalam, have filed the present Civil Revision Petition challenging the order of delivery passed in E.P.No.4 of 2024.

2. A perusal of the records reveal that the petitioners herein are the respondents in R.C.O.P.No.12 of 2009, which was filed for evicting the revision petitioners on the ground of willful default. The petitioners have suffered an order of eviction on 21.12.2023, and so far no appeal has been filed. In such circumstances, the landlords had filed E.P.No.4 of 2024 to execute the order of eviction. In the said execution petition, the tenants have taken a defence that the fair rent fixed by the Court has not been taken into consideration and ignoring the same, the order of eviction has been passed on the ground of willful default. However, the said objection raised by the tenants have been rejected and execution Court has proceeded to pass the order of delivery. Challenging the same, the present Civil Revision Petition has been filed.



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3. According to the learned counsel appearing for the revision petitioners, the very same Court has passed an order fixing the fair rent to the buildings and in violation of the fair rent fixed by the Court, the order of eviction has been passed on the ground of wilful default on the part of the tenants. This Court is not inclined to accept the said submissions. The tenants cannot canvas these points in the execution proceedings having not filed an appeal as against the order of eviction passed in R.C.O.P.No.12 of 2019. The executing Court has rightly ordered delivery and there are no merits in this Civil Revision Petition.

4. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

18.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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- To
1. The Principal District Munsif Court,
Thirumangalam.
 2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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