



C.R.P.(PD)(MD).No.1345 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.1345 of 2025

and

C.M.P(MD) No.6981 of 2025

Revathi

... Revision Petitioner/
Petitioner/Respondent/
Tenant

Vs.

Navaz Ahmed

... Respondent/Respondent/
Petitioner/Landlord

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order passed in E.A.S.R.No.11834 of 2024 in E.P.No.100 of 2023 in R.C.O.P.No.27 of 2015 on the file of the I Additional District Munsif, Tiruchirappalli, dated 23.09.2024 and allow the present Civil Revision Petition.

For Petitioner : Mr.M.Ashok Kumar

ORDER

The tenant/respondent in R.C.O.P.No.27 of 2015 on the file of the I Additional District Munsif Court, Tiruchirappalli, has filed the present Civil



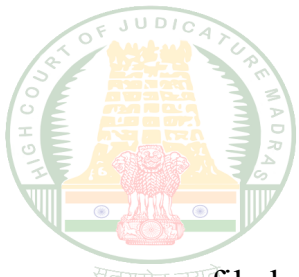
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Revision Petition challenging the dismissal of her application filed under Section 47 of C.P.C., without taking cognizance.

2. The respondent herein has filed the above said rent control proceedings on the ground of willful default, own occupation and demolition and reconstruction. The Rent Controller was pleased to allow the eviction petition on the ground of own occupation, demolition and reconstruction. Challenging the same, the tenant has filed R.C.A.No.19 of 2023 and the same is pending before the Principal Sub Court, Tiruchirappalli.

3. In the meantime, the landlord has filed E.P.No.100 of 2023. Pending execution proceedings, the tenant has filed E.A.S.R.No.11834 of 2024 under Section 47 of C.P.C. It is the contention of the tenant that after the order of eviction, new oral tenancy agreement was entered between the parties. In such a view of the matter, execution petition cannot be prosecuted. However, the rent controller has proceeded to dismiss the application on the ground that such a plea cannot be entertained under Section 47 of C.P.C., on the ground that the landlord has specifically denied any such oral agreement of fresh tenancy. Challenging the same, the present Civil Revision Petition has been



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filed.

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4. This Court is of the considered opinion that since the landlord has specifically denied any such oral tenancy subsequent to the order of eviction, this Court does not find any error in the order of the Rent Controller. However, considering the fact that the appeal is pending before the appellate authority, the execution proceedings shall be kept in abeyance. The learned Principal Subordinate Judge is directed to dispose of R.C.A.No.19 of 2023 on or before **31.08.2025**. Till such time, the execution proceedings shall be kept in abeyance.

5. With the above said observations, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

25.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The I Additional District Munsif Court,
Tiruchirappalli.
2. The Principal Sub Court,
Tiruchirappalli.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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