

C.R.P.(NPD)(MD)No.2134 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.2134 of 2025

and

C.M.P.(MD)No.12436 of 2025

T.D.Kamalakkannan

... Petitioner

Vs.

The Church South India Trust Association,
Tiruchirappalli Thanjavur Diocese
represented by its Power Attorneys

1.Diocesan Treasurer S.Rajendran

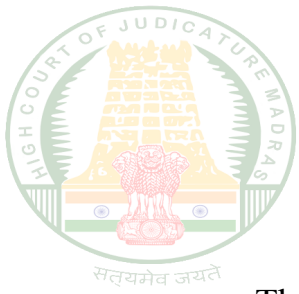
2.Clerical Secretary Rev.S.Sudharsan

... Respondents

PRAYER: Civil Revision Petition filed under Section 151 of the Civil Procedure Code, to set aside the fair and decreetal order dated 24.04.2025 made in E.A.No.2 of 2024 in E.P.No.112 of 2008 in O.S.No.252 of 2007 on the file of the I Additional Sub Court, Tiruchirappalli and allow this Civil Revision Petition.

For Petitioner : Mr.I.Abrar Mohammed Adbula

For R2 : Ms.J.Madhu



ORDER

WEB COPY This Civil Revision Petition is filed challenging the order dated 24.04.2025 made in E.A.No.2 of 2025 in E.P.No.112 of 2008 in O.S.No.252 of 2007 on the file of the I Additional Sub Court, Tiruchirappalli.

2.The respondents herein filed a suit in O.S.No.252 of 2007 on the file of the I Additional Sub Court, Trichirappalli for recovery of possession of suit property and to direct the petitioner to pay a sum of Rs.93,060/- as arrears of rent together with subsequent interest and to pay damages for wrong use and occupation from 01.04.2007 to till the date of suit to be determined by separate proceedings under Order XXI Rule 12 CPC and that to pay the future damages for wrong use and occupation from the date of suit to till the deliver of possession to be determined by separate proceedings under Order XX Rule 12 CPC. The petitioner is the defendant in the suit and the said suit was decreed on 11.02.2008. Thereafter, the decree holder filed execution petition in E.P.No. 112 of 2008 which was dismissed for default. Subsequently, the respondents filed E.A.No.2 of 2024 to restore the E.P. which came to be allowed on 24.04.2025. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel appearing for the petitioner during the earlier hearing submitted that the suit was filed for vacating five shops that are in



occupation of the petitioner in the subject premises. The petitioner is ready to vacate four shops immediately and then vacate the remaining one shop within a period of two years and file an undertaking affidavit to that effect and to pay the entire arrears of rent.

4.Today, when the matter is taken up for hearing, the learned counsel for the petitioner filed an undertaking affidavit filed by the petitioner dated 16.08.2025. The relevant portion of the undertaking affidavit filed by the petitioner reads as under:

5.I humbly submit that as per undertaking given before this Hon'ble Court, I took Demand Draft to the total rental arrears of Rs.4,16,527/- through my IDFC FIRST bank in DD No.187094 dated 11.08.2025 in the name of the respondent. On 12.08.2025 I sent said original Demand Draft along with covering letter to the respondent and same was received by the respondent on 14.08.2025. I further submit that in 'Super Bazzar' shopping Complex of the respondent there are about 150 shops, out of them I took 5 shops for rental the respondent had taken steps to vacate and delivery of 5 shops, in regard with 4 shops concerned I did not prefer any appeal/revision and I am intend to deliver 4 shops to the respondent at any time based on the civil Court proceedings. I further submit that the present suit property of Shop bearing No.52 is concerned I am running shop for more than 40 years where I invested my lifetime savings of Rs.40 Lakhs to run the business, other than this business I did not have any other means of income to run my family livelihood, my entire family livelihood is depends only on the income derived from the said shop. Therefore with due respect



to his Hon'ble Court, I need some breathing time of two years to vacate the shop and also to find suitable alternative place. I undertake before this Court that I would continue to pay the rent as fix by the respondent for the upcoming two years without any arrear. Even to show my bonafide I am ready to pay the entire rent amount in advance for upcoming two years and I undertake that I will not seek any further time to vacate the shop.

5. Recording the aforesaid undertaking given by the petitioner, this Civil Revision Petition is **disposed of** with the following directions:

(i) The petitioner is directed to vacate the four shops within a period of one month and vacate the remaining one shop within a period of one year from the date of receipt of a copy of this order.

(ii) The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) towards rent to the respondents on or before 7th day of every English Calender month.

(ii) In the event if the petitioner fails to vacate the shop within the time prescribed by this Court, the respondents are at liberty to make a request to the jurisdictional Police to vacate the subject premises. On such request is made, the concerned Inspector of Police is directed to give



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necessary police protection to the respondents/plaintiffs to recover the
suit property from the petitioner herein.

No costs. Consequently, connected miscellaneous petition is closed.

25.08.2025

Index : Yes/No
Internet : Yes / No
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To

- 1.The I Additional Sub Court, Tiruchirappalli.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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