



C.R.P.(MD)No. 2286 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2286 of 2025

M.Saravanakumar

...Petitioners

Vs.

S.Fathima Beevi

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and executable order dated 01.07.2025 passed in I.A.No.3 of 2024 in R.C.O.P.No.17 of 2021, on the file of the learned Principal District Munsif Court, Thirumangalam by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Mahesh Babu

For Respondent : Mr.R.Ganesan



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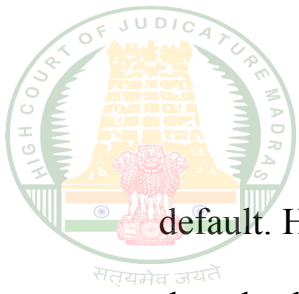
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ORDER

This petition has been filed seeking to set aside the fair and executable order dated 01.07.2025 passed in I.A.No.3 of 2024 in R.C.O.P.No.17 of 2021, on the file of the learned Principal District Munsif Court, Thirumangalam.

2.The petitioner is a tenant for more than two decades since 1990. Learned Counsel for the petitioner would submit that the respondent / petitioner filed an eviction petition under Section 21(2)(A) and 21(2)(B) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, on the ground that the petition mentioned property is 70 years old and is not fit for occupation. The said RCOP was decreed ex-parte on 19.10.2023 and after receipt of the EP notice, the petitioner came to know about the ex-parte order passed. Thereafter, he filed an I.A.No.3 of 2024, with a delay of 384 days under Section 5 of the Limitation Act and the said I.A. was dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner would submit that though the petitioner is a tenant with the respondent / landlord from 1990 onwards for 35 long years, till date the petitioner is regularly paying the rent without any



default. However, a vexatious eviction proceedings has been filed on the ground that the building is in dilapidated condition and to that extent, no engineer's report is available before the trial Court. However, the trial Court decreed the petitioner ex-parte and the petitioner came to know about the same only after receipt of the E.P. notice and thereafter, the petitioner filed I.A.No.3 of 2024. He would further submit that repeatedly, the Hon'ble Supreme Court as well as this Court has held that the delay has to be leniently viewed and the parties must be given an opportunity to contest the case. However, such leniency was not shown to the petitioner and accordingly, he prays for appropriate orders.

4.Per contra, learned Counsel for the respondent would submit that the petitioner is in occupation of the premises for about 35 years and the age of the building itself is 70 years. Absolutely, the petition mentioned property is not fit for habitation which endangers the safety of the general public and if any untoward incident happens, then the respondent / landlord will be forced to face all those consequences before the law enforcing agency. However, even after receipt of the notice in the RCOP proceedings, the petitioner deliberately avoided the proceedings and only after receipt of the E.P., notice, he appeared before the trial Court on 12.09.2024 and agreed to vacate the premises. Thereafter, he engaged a counsel and filed the impugned petition in I.A.No.3 of



2024, which came to be rightly dismissed by the trial Court and the same need not be interfered with. Accordingly, he prays for dismissal of this Civil Revision Petition.

5. Heard the learned Counsel on either side.

6. The facts in the present case are not in dispute. Admittedly, the petitioner is a tenant and the respondent is the landlord. The petitioner is in occupation of the subject property for about 35 years. Since the building in question is in dilapidated condition, the respondent / landlord filed R.C.O.P. No.17 of 2021, in which the petitioner came to be set ex-parte. However, the petitioner did not take any steps to set aside the ex-parte decree. Thereafter, the respondent proceeded with the execution proceedings. After receipt of the notice in the execution proceedings, the petitioner filed I.A.No.3 of 2024, for condonation of 384 days delay in filing the set aside petition. Even before the filing of the I.A., the petitioner appeared before the trial Court on 12.09.2024 in the E.P. proceedings and agreed to vacate the premises. This itself clearly reveals that the petitioner wants to drag on the proceedings by filing some vexatious petitions. The very same petitioner had filed a suit in O.S.No.120 of 2016, on the file of the Additional Munsif Court, Thirumangalam, for



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permanent injunction seeking not to evict the petitioner, except under due process of law and the said suit came to be dismissed on 10.03.2022, since the tenancy rights of the petitioner has exhausted from 16.11.2014. Thereafter, the same was also confirmed by this Court. All these facts have been rightly appreciated by the trial Court and the trial Court has rightly dismissed the petition in I.A.No.3 of 2024 and this Court does not find any reason to interfere with the said order.

7. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

28.08.2025

Internet: Yes/No

Index: Yes/No

MR



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To

1.The Principal District Munsif Court,
Thirumangalam.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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