



CRP(MD). No.3005 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/08/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). Nos.3005 of 2024 and 570 of 2025
and CMP(MD) No.17171 of 2024 and 3103 of 2025**

Dhanasamy ... Petitioner in both petitions

Vs

M.Safer Sathick ... Respondent in both petitions

COMMON PRAYER :-Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the orders dated 07.09.2023 passed in IA No.30 of 2023 and dated 14.11.2024 passed in EP No.26 of 2021 in RCOP No.8 of 2017 on the file of the District Munsif Court, Pudukkottai.

For Petitioner : Mr.D.Srinivasaraghavan
For Respondent : Mr.S.Alagusundar

COMMON ORDER

Since the petitioner and the respondent are one and the same in both the petitions and the issue arises in the civil revision petitions is one and the same, they were heard together and disposed of by this common order.



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2. The respondent/tenant in R.C.O.P.No.8 of 2017, on the file of the District Munsif Court, Pudukkottai, has filed the above said revision petitions.

3. R.C.O.P.No.8 of 2017 on the file of the District Munsif Court, Pudukkottai, was filed by the respondent herein for evicting the revision petitioner on the ground of wilful default. Pending eviction proceedings, the landlord had filed an application for payment of arrears of rent under Section 11 (4) of Tamil Nadu Building (Lease and Rent Control) Act, in I.A.No.47 of 2019. This application came to be allowed on 11.01.2021 directing the tenant to deposit the rent at the rate of Rs.1,300/- per month.

3. When the tenant made an attempt to comply with the order by directly paying the rent to the landlord, it was refused by the landlord. Therefore, the tenant had filed C.R.P(MD) No.1738 of 2021, directing the Rent Controller to accept the lodgment schedule Memo dated 12.02.2021. This Court, by an interim order dated 15.02.2022, had directed the Rent Controller to accept the lodgment schedule and posted

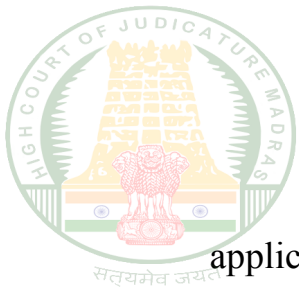


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the revision petition on **24.02.2022**, for reporting compliance. When the matter was taken up for final hearing on 22.02.2022, this Court has directed the Rent Controller to dispose R.C.O.P.No.8 of 2017, within a period of four months and the landlord was also permitted to withdraw the amount from the Rent Controller.

4. The landlord had filed C.M.P(MD) No.10607 of 2022 in C.R.P(MD) No.1738 of 2021, to recall the order dated 22.02.2022. This Court, by an order dated 23.03.2023, had refused to interfere with the said order and had reserved right of the landlord to pursue the Execution Petition, in case, if the tenant had failed to pay the arrears of rent. Again, this Court had directed the Rent Controller to dispose of R.C.O.P, within a period of four months from the date of receipt of a copy of the order.

5. When the recall application was pending before this Court, the landlord had not appeared and therefore, R.C.O.P.No.8 of 2017 was dismissed for default on 24.02.2023. The landlord had filed I.A.No.30 of 2023, under Order 9 Rule 9 of C.P.C, to restore the eviction petition. The Rent Controller has passed an order on 07.09.2023 closing the



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application under Order 9 Rule 9 of C.P.C on the ground that the tenant has not complied with the orders of this Court. The Rent Controller further proceeded to restore the Execution Petition. The tenant has filed C.R.P(MD) No.3005 of 2024, aggrieved by the observation to restore the Execution Petition. The tenant has also filed C.R.P(MD) No. 570 of 2025, wherein an order of delivery has been passed based upon the eviction order issued pursuant to non-compliance of an order passed under Section 11 (4) of the Tamil Nadu Building (Lease and Rent Control) Act.

6. According to the learned counsel appearing for the revision petitioner, under Section 11 (4) of the Rent Control Act, order has been complied with by the tenant by way of filing lodgment memo before the Rent Controller. Though the landlord made an attempt to recall the said order, this Court by an order dated 23.03.2023 had refused the recall the said order. In such circumstances, when under Section 11(4) of the Rent Control Act, order has been complied with, the consequential order of eviction passed in R.C.O.P will automatically get set aside. The Execution Petition filed by the landlord in E.P.No.26 of 2021 was based



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upon the eviction order passed by the Rent Controller for non compliance of Section 11(4) order. When this Court has directed the rent Controller to proceed with the R.C.O.P proceedings, the Rent Controller cannot restore passing of delivery order in the execution proceedings.

7. The learned counsel for the petitioner would however submit that the entire arrears to the tune of Rs.1,55,600/- were paid and this Court may permit the respondent to withdraw the said amount and direct the petitioner to pay the balance amount, if any, as arrears of rent within a period of four weeks from the date of receipt of a copy of this order, failing which, the RCOP may be decreed for eviction against the petitioner.

8. The learned counsel for the respondent has no serious objection.

9. In view of the said submission now made by the learned counsel for the petitioner, the petitioner is directed to deposit the entire balance of arrears of rent within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the respondent is



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permitted to withdraw the same. On such deposit being made, the trial Court shall restore the RCOP and dispose of the same within a period of three months from the date of such deposit. If the amount is not paid within the aforesaid period, RCOP No.8 of 2017 shall be disposed of in favour of the respondent/landlord and proceed for eviction.

10. Accordingly, the order dated 07.09.2023 in IA No.30 of 2023 and the order dated 14.11.2024 passed in EP No.26 of 2021 stand set aside and the Civil Revision Petitions are allowed. No costs. Consequently connected Miscellaneous Petitions are closed.

25.08.2025

NCC : Yes/No

Index : Yes/No

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TO

1.The 1st Additional District Munsif Court, Tirunelveli

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) (NPD) No.3005 of 2024 and 570 of 2025**

Date : 25/08/2025