



WEB COPY

CRP No. 753 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No. 753 of 2026
and CMP.No.3962 of 2026**

M/s.IZZI Tools Centre,
Rep.Murtaza Bhai Miyajiwala,
Having shop at Ground floor,
Old Door No.12/13, New Door No.23,
Perianna Maistry Street,
Chennai 600 001.
Correspondence address,
No.11-A Singanna Naicken Street Parry's Corner,
George Town,
Chennai 600 001.

..Petitioner(s)

Vs

H.G.Sons Estates,
Represented by Mohammed Yusuf Madraswala,
S/o.Yusuf Madraswala,
Having Office: No.194,
Anna Pillai Street,
'STS' Complex,
Chennai -600 001.

..Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India
to set aside the order dated 18.12.2025 made in E.P.No.1252 of 2025 in RLTOP
No.507 of 2024 on the file of learned XVI Judge, Small Causes Court, Chennai.



For Petitioner(s): Mr.Samir Shah
for M/s.Shah And Shah

For Respondent(s): Mr.S.Ramesh Kumar

ORDER

The tenant is the revision petitioner. The tenant is aggrieved by the order of delivery passed in EP.No.1252 of 2025, without notice to the petitioner/tenant as mandated under Section 39 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017.

2. Mr.S.Ramesh Kumar, learned counsel for the respondent/landlord states that the petitioner's appeal is pending in RLTA No.18 of 2026 before the III Additional City Civil Court Chennai and the petitioner is not cooperating with the earlier disposal of the appeal.

3. Per contra, Mr.Samir Shah, learned counsel for the petitioner denies the said allegation and states that the proceedings are adjourned only on account of non availability of the Judicial Officer.

4. I have held, in the order dated 16.12.2025 passed in CRP.No.5723 of 2025 (*M/s.B.D.V.S.Showroom vs. T.Rajendran*), that under Section 39 of the Act, notice to the tenant/judgment debtor is mandatory and a pre-requisite



before ordering delivery, and provisions of Order XXI of CPC will not apply to the proceedings under the said enactment.

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5. In the light of the above, the order of delivery passed by the Rent Court is certainly not in order. However, considering the fact that the tenant's appeal is pending in RLTA No.18 of 2026 before the III Additional City Civil Court Chennai, I direct the learned III Additional City Civil Court Chennai to dispose of the said RLTA within a period of four weeks from the date of receipt of a copy of this order. In the meantime, EP proceedings in EP.No.1252 of 2025 shall be kept in abeyance. Subject to the result of the RLTA, it shall be open to the Rent Court to proceed with the Execution Petition, but it shall not be open to the petitioner/tenant to thereafter canvas before the Executing Court that he had no notice in the E.P.

6. The Civil Revision Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

16-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS

To
The XVI Judge, Small Causes Court, Chennai.



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P.B.BALAJI, J.

PVS

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