



WEB COPY

CRP No. 1534 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

**CRP No. 1534 of 2026
and CMP.No.7260 of 2026**

Kaliammal

..Petitioner(s)

Vs

Akbari Yusufbhai

..Respondent(s)

To set aside the conditional order passed in EA.No.1/2025 in EP.No.2/2025 in OS.No.572/2023 dated 5.2.2026 pending on the file of the Session Judge, Mahila Court, Chengalpattu.

For Petitioner(s):	Mr.L.G.Sahadevan
For Respondent(s):	Mr.L.Dhamodharan

ORDER

The Civil Revision Petition is filed challenging the order dated 05.02.2026, passed in EA.No.1 of 2025 in EP.No.2 of 2025, whereby the petition filed to set aside the ex parte order passed in E.P.No.2 of 2025 dated 26.08.2025 was allowed on condition that the petitioner deposits a sum of Rs.5,00,000/- before the Trial Court on or before 26.02.2026.



2. Facts in brief: The petitioner is the tenant and the respondent is the landlord of the demised property. The petitioner entered into a tenancy agreement with the respondent in respect of the demised property on a mutually agreed monthly rent of Rs.15,000/- for residential purposes. Since the petitioner was not regular in payment of rent and unauthorisedly converted the demised premises for non residential purposes, the respondent terminated the lease, calling upon the petitioner to vacate and hand over the vacant possession to him. Since the petitioner continued to commit default in payment of rent and also failed to vacate the premises, the respondent filed a suit in OS.No.572 of 2023 for ejectment and recovery of arrears of rent of Rs.11,50,000/- as on June 2023. The petitioner was set exparte in the said suit and an exparte decree was passed on 17.10.2024. The petitioner filed an application to set aside the exparte decree in I.A.No.1 of 2025 along with a condone delay petition and the same is pending.

3. Armed with the exparte decree, dated 17.10.2024, the respondent filed EP.No.2 of 2025, for delivery of vacant possession and recovery of arrears of rent. Even in the execution proceedings, the petitioner remained exparte and an exparte order was passed on 26.08.2025. Thereafter, the petitioner filed EA.No.1 of 2025 seeking to set aside the exparte order dated 26.08.2025 in EP.No.2 of 2025. The said E.A. was allowed on condition that the petitioner



deposits a sum of Rs.5 Lakhs, before the Trial Court on or before 20.02.2026, failing which the petition was to be dismissed. Aggrieved by the same, the present petition is filed.

4. At the time of admission, the learned counsel for the petitioner volunteered to produce a demand draft for Rs.5,00,000/- as per the condition imposed by the Execution Court, and requested for an adjournment which was granted. Today, when the matter is taken up, the learned counsel for the petitioner submitted that the petitioner was unable to generate the amount of Rs.5,00,000/- and hence prayed the Court to decide the CRP on merits.

5. The facts of the case are undisputed. The Trial Court in the impugned order has recorded that the summon in the execution proceedings was returned as “refused” by the petitioner and therefore, it is clear that the petitioner has knowledge of EP filed by the respondent. It appears that the petitioner has filed an application under Section 5 of the Limitation Act, to condone the delay of 325 days in seeking to set aside the exparte decree and the same is pending. Be that as it may, it is clear that, as on date, the decree passed by the Trial Court in OS.No.572 of 2023, is undisturbed. Even as per the decree, the petitioner is in arrears of Rs.11,50,000/- from April 2021 to June 2023. The contention of the petitioner that she was regularly paying the rent was rejected by the Execution Court for failing to produce the rental receipts. In the counter



affidavit the respondent stated that subsequent to the decree, the arrears of rent has mounted to Rs.29,00,000/-. The respondent in his counter stated that the petitioner has been dealing with his property unauthorisedly and filed typed set of documents in support of the submission. One such document is an agreement, dated 14.03.2024, entered into between the petitioner and one Naathan for subletting the premises. From the documents filed in the typed set of papers, it is clear as crystal that the petitioner without paying any rent to the respondent is illegally squatting over the property and further unauthorisedly dealing with and creating third party rights in the respondent's property.

6. Considering the above facts, this Court finds no compelling reasons to interfere with the order passed by the Trial Court. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

23-03-2026

PVS

To
The Session Judge,
Mahila Court, Chengalpattu



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N.MALA, J.

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