



WEB COPY

REV.APPL No. 83 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

REV.APPL No. 83 of 2026

in

CRP.No.3157 of 2023

and

CMP.No.7264 of 2026

B.Dhanapal

..Petitioner(s)

Vs

M.Sivalingam

..Respondent(s)

Prayer: This Review Application is filed under Order 47 Rule 1 r/w 114 of CPC, 1908 to review the order dated 02.02.2026 passed in CRP No. 3157 of 2023.

For Petitioner(s):

Mr.K.Mahalingam

ORDER

The review application has been filed seeking to review the order passed by this Court dated 02.02.2026 in CRP No.3157 of 2023.

2. The main civil revision petition has been filed challenging the order passed by the rent Court staying the recording of the delivery and keeping the execution petition pending till the disposal of the appeal.



3. It is not in dispute that the respondent herein filed RLTOP before the Rent Court and obtained an order for repossession. Aggrieved by the same, the petitioner herein filed an appeal before the Rent tribunal. Pending appeal, the petitioner has filed an application seeking stay of the further proceedings. The delivery was effected by the executing Court on 27.04.2023. When the said fact was brought to the notice of the appellate tribunal, it stayed the recording of delivery and directed the executing Court not to terminate the execution petition. This Court in the main order observed that once physical delivery is effected, recording of the delivery by the Court is only a ministerial act and therefore, the same could not be stayed. Therefore, the order passed by the appellate Court was set aside and the Rent Court was directed to record delivery and terminate execution petition.

4. The learned Counsel for the petitioner would submit that after taking delivery, the respondent is attempting to alter the physical features of the suit property and therefore, protection may be given to the petitioner. In the affidavit filed in support of stay petition in I.A.1 of 2023 in RLTA 24/23, the petitioner did not mention anything about alleged attempt by respondent to alter physical features. When the main revision was taken up for consideration, the petitioner did not appear and produced any material before this Court regarding alleged attempt to alter physical features by the respondent. Therefore, the request made by the petitioner cannot be considered in the review petition.



5. In case the petitioner has any apprehension that the respondent attempt to alter the physical features of the suit property after taking delivery, it is always open for the petitioner to move appropriate application before the rent tribunal in the pending appeal.

6. With this clarification, the review application is dismissed as the petitioner has not made out any case for review. Connected miscellaneous petition is closed.

23-03-2026

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

VEDA

To
The XVII Additional City Civil Court, Chennai.



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S.SOUNTHAR, J.

VEDA

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CMP.No.7264 of 2026**

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