



C.R.P.No.3157 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3157 of 2023
and
C.M.P.No.19542 of 2023

M.Sivalingam
S/o.M.Masilamani
Rep. by its Power Agent, S.Balasubramani M/A-53 Years,
S/o.M.Sivalingam, No.5/3,
Reliance Rice, Mill Street, Kondithope,
Chennai – 600 079. ... Petitioner

vs.

B.Dhanapal ... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 09.06.2023 made in I.A.No.1 of 2023 in R.L.T.A.No.24 of 2023 on the file of XVII Additional City Civil Court, Chennai by allowing the Revision Petition.

For Petitioner : Mr.R.Arunkumar

For Respondent : No Appearance



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ORDER

The Civil Revision Petition is filed challenging the order in I.A.No.1 of 2023 in R.L.T.A.No.24 of 2023, dated 09.06.2023 passed by the Appellate Authority/XVII Additional City Civil Court, Chennai under the provisions of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 directing the Rent Court not to record delivery and terminate the execution petition.

2. Heard the learned counsel appearing for the petitioner. There is no representation for the respondent.

3. It is seen from the records that even on the last occasion, when the matter came up for hearing before this Court on 12.12.2025, there was no representation for the respondent. Therefore, this Court is inclined to dispose of the civil revision petition by perusing the records.

4. It is not in dispute that the petitioner herein filed RLTOP.No.283 of 2021 seeking repossession on the ground of failure to enter into Lease



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Arrangement under the provisions of New Act. The Rent Court passed order for repossession on 05.12.2022. Aggrieved by the said order, the respondent herein filed an appeal before the Appellate Authority in RLTA.No.24 of 2023. Along with appeal, the respondent filed an application in I.A.No.1 of 2023 seeking stay of the execution proceedings.

5. When the stay petition came up for hearing on 09.06.2023, it was reported before the Court that delivery was already effected in favour of the petitioner herein on 27.04.2023 in the Execution Petition filed by him. After recording the same, the Appellate Authority directed the Rent Court not to record delivery and terminate the execution petition. Aggrieved by the said order, the petitioner has come before this Court.

6. The learned counsel appearing for the petitioner filed Certified Copy of the delivery report filed by Amin in E.P.No.187 of 2023 in RLTOP.No.283 of 2021, dated 27.04.2023.

7. A perusal of the same would indicate that the subject property was delivered to the petitioner pursuant to the order of delivery passed in execution petition as early as 26.04.2023. Once the delivery is effected,



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recording the delivery by the Executing Court is only a ministerial act.

Therefore, no purpose will be served by staying the ministerial act, when physical possession of the property was already handed over to the petitioner. Hence, the impugned order passed by the Appellate Court staying the recording of delivery by the Rent Court is liable to be set aside.

8. The Rent Court is at liberty to record delivery and terminate execution petition. The delivery effected in favour of the petitioner will not affect the right of the respondent to argue the appeal in R.L.T.A.No.24 of 2023 on its own merits.

9. With this clarification, the Civil Revision Petition stands allowed as stated above. No costs. Consequently, the connected civil miscellaneous petition is closed.

02.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

The XVII Additional City Civil Court,
Chennai.



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S.SOUNTHAR, J.

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