Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 5095 of 2026 and
CMP Nos.22275, 22827, 23329 and 25716 of 2026

CNR: {HCMA011931582026}

C.Anusuya
W/o Chandran,
No.1634, 13th Main Road,
Arignar Anna Nagar,
Chennai 600040

..Petitioner(s)

Vs

1. K.G.Ganesh, S/o K.G.Govindarajulu,
   No.W-677, East Main Road,
   Anna Nagar West Extn.,
   Chennai 600 101.

2. K.G.Raghavan, S/o K.G.Govindarajulu,
   No.W-677, East Main Road,
   Anna Nagar West Extn.,
   Chennai 600 101

3. M/s Asana Andiappan Sundara Yoga and
   Natural Living Development Trust
   Rep by A.Yoganandhanthi Andiappan,
   S/o Andiappan, Door No.P-27,
   P Block, 18th Street, Anna Nagar,
   Chennai 600 040

4. U.Rajeshwari, W/o Late P.Ulaganathan
   NO.1634, 13th Main Road,
   Anna Nagar West, Chennai 600 040.

..Respondent(s)

Prayer: Civil Revision petition is filed under Section 115 of CPC to set aside the order passed in EA.No.10 of 2026 in EP.No.401 of 2024 on the file of the XIII Court of Small Causes, Chennai.

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For Petitioner(s): Mr. P.Chandrasekar

For Respondent(s): Mr.J.S.Arunkumar For R1 & R2

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Rent Court, dismissing the application filed by the petitioner under Order 21 Rule 97 of CPC.

2. The respondents 1 and 2 herein filed a RLTOP No.811 of 2022 seeking repossession the subject property against the respondents 3 and 4 under the provisions of the TNRRRLT Act and an order for possession was also passed by the Rent Court. When the said order was put into execution in E.P.No.401 of 2024, the petitioner herein, claiming interest over the subject property, filed an execution application under Order 21 Rule 97 of CPC in E.A.No.10 of 2026. The said application was dismissed by the Executing Court. Aggrieved by the same, the petitioner has come before this court.

3. The adjudication on the petitioner's right in an application under Order 21 Rule 97 of CPC is a deemed decree, in view of Rule 103 of CPC. Therefore, the petitioner is entitled to file an appeal, challenging the impugned order before the regular appellate court. Hence, the civil revision petition filed by the petitioner is not maintainable. However, liberty is granted to the

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petitioner to file an appeal before the regular appellate court, namely, Rent Tribunal, within a period of two weeks from the date of receipt of copy of this order.

4. This civil revision petition has been filed, within a day, from the date of passing the impugned order and hence, there may not be any limitation issue. The petitioner is entitled to exclude the period spent in prosecuting the civil revision petition before this court from 12.08.2026 till the date of receipt of copy of this order for the purpose of computing the period of limitation for filing the appeal.

5. It is brought to the notice of this court that pending civil revision petition, the petitioner enjoyed the benefit of the interim stay. Since the petitioner is directed to avail the alternative remedy by filing an appeal before the Rent Tribunal, the benefit of the interim order will enure to the petitioner till filing of regular appeal, as per the order passed by this court in this civil revision petition. If any stay application is filed by the petitioner before the Regular Appellate Court, the same shall be decided immediately.

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6. Accordingly, this civil revision petition is dismissed with liberty to file appeal, as stated above. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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

MST

To

The XIII Judge,
Court of Small Causes,
Chennai.

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S.SOUNTHAR, J.

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