



THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 19.02.2026

Judgment pronounced on : 27.02.2026

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

CRP.Nos.5757 & 5758 of 2025
& CMP.Nos.28626 & 28627 of 2025

1.K.T.J.Prakash

.. Petitioner in both CRPs

Vs.

1.S.T.Rajan
2.S.T.Balachander
3.Vijayakumar

.. Respondents in CRP.No.5757 of 2025

1.S.T.Rajan
2.S.T.Balachander
3.Murugan

.. Respondents in CRP.No.5758 of 2025

Common prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order in E.A.Nos.4 & 5 of 2024 in E.P.Nos.32 & 31 of 2024 on the file of the XVI Small Causes Court, dated 06.11.2025 and direct the respondents re-delivery of possession.

For Petitioner : Mr.B.Nedunchelian in both CRPs

For Respondents : Mr.A.Amalraj for RR1 and 2 in both CRPs



COMMON ORDER

The revision petitioner is an obstructor, whose applications for noting his obstruction have been dismissed by the XVI Small Causes Court, Chennai.

2.I have heard Mr.B.Nedunchelian, learned counsel for the revision petitioner in both the revision petitions and Mr.A.Amal Raj, learned counsel for the respondents 1 and 2 in both the revision petitions.

3.Mr.B.Nedunchelian, learned counsel appearing for the revision petitioner would state that the respondents have initiated eviction proceedings in RCOP.Nos.1342 and 1343 of 2016 on the file of the XVI Small Causes Court, Chennai. In the eviction petitions, Section 11(4) application was filed, alleging non payment of rents against the 3rd respondent. An order of eviction came to be passed in the said proceedings and E.P.Nos.31 and 32 of 2024 were filed by the respondents 1 and 2 against the 3rd respondent. At the time of attempting to execute the eviction order, the petitioner has filed the application for noting his obstructions under Order XXI Rule 97 of CPC in E.A.Nos.4 and 5 of 2024. The parties adduced evidence in the said application and after enquiry, considering the oral and documentary evidence adduced by the parties, the learned Rent Controller (executing Court) dismissed the obstruction applications. Aggrieved by the same, the present revision petitions have been filed.



4.The learned counsel for the revision petitioner would submit that the subject property was originally owned by K.Pankajavalli Ammal, K.Saravanabavan and R.Kadambari, against whom the petitioner's father had obtained a decree in O.S.No.9743 of 1977 on the file of the III Assistant City Civil Court, Chennai, declaring that he is the absolute owner of the superstructure in the petition premises and that a decree for permanent injunction was also granted in his favour. The learned counsel for the petitioner would further state that the petitioner also filed a civil suit before this Court in C.S.No.282 of 2007 to declare his right by adverse possession against the original owners and the said suit was also decreed on 23.07.2010.

5.However, according to the learned counsel for the petitioner, behind the back of the petitioner, the father and mother of the respondents 1 and 2, in and by a registered settlement deed dated 25.04.2005, had settled the property in favour of the respondents 1 and 2, who also proceeded to mutate patta in their names. According to the learned counsel for the petitioner, the property consists of two shop portions, which according to the petitioner, is the subject matter of the decree in favour of the petitioner and the property was let out by the petitioner to a tenant and after the expiry of the lease period, according to the petitioner, he took back possession. The learned counsel therefore state that the respondents 1 and 2 have absolutely no relationship with the tenants of the petitioner or the petitioner for that matter and have mischievously filed eviction petitions before the Rent Controller and obtained eviction orders against the 3rd respondent.



6. The learned counsel for the petitioner would also point out that even the 3rd respondent has clearly taken a defence that he is a tenant only under the petitioner and not the respondents 1 and 2. However, without accepting the contentions of the 3rd respondent, according to the learned counsel for the petitioner, erroneously, the Rent Controller proceeded to order eviction. He would therefore state that the petitioner being the lawful owner of the superstructure, the respondents 1 and 2 cannot execute the decree against the 3rd respondent and thereby dispossess the petitioner from the petition premises to which he is entitled to be in lawful possession. He would therefore pray for the revisions being allowed.

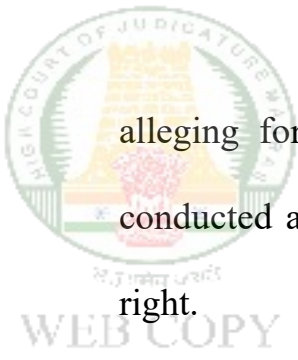
7. Per contra, Mr. A. Amal Raj, learned counsel appearing for the respondents 1 and 2 would state that the petitioner has been set up by the 3rd respondent, who has suffered an order of eviction. The very same contentions that were taken by the 3rd respondent have already been adjudicated and finality has been reached. In this regard, the learned counsel for the respondents 1 and 2 would invite my attention to the oral evidence adduced by the parties and point out to the admissions of the petitioner himself that it is only Murugan and Vijayakumar, the 3rd respondent in the respective revision petitions, who are occupying the shop portions. The learned counsel would therefore contend that the petitioner is not even in a possession and therefore, is not entitled to maintain the application under Order XXI Rule 97 of CPC. He would further state that the petitioner



has colluded with the 3rd respondent, against whom lawful eviction proceedings were initiated by the respondents 1 and 2, only to defeat the rights of the respondents 1 and 2 under a valid decree obtained from the Rent Controller. He would further state that the Rent Controller has rightly assessed the oral and documentary evidence and come to the conclusion that there is no merit in the obstruction petitions. He would therefore pray for dismissal of the revision petitions.

8.I have carefully considered the submissions advanced by the learned counsel for the parties.

9.The respondents 1 and 2, claiming that the 3rd respondent is a tenant, initiated the rent control proceedings for eviction. The proceedings were contested by the 3rd respondent, stating that there was no jural relationship of landlord and tenant and that the 3rd respondent is only a tenant under the revision petitioner. However, the said plea did not find favour with the Rent Controller and eviction was ordered. When an attempt was made to take possession, the petitioner has come up with the applications under Order XXI Rule 97 of CPC, stating that possession is attempted to be taken from the revision petitioner and that the revision petitioner is lawfully entitled to the superstructure and the respondents 1 and 2 have no right over the same. I find that the petitioner claims that there is an assignment in his favour way back on 28.05.1985 executed by the original owner, Kadambari. However, a complaint has been given,



alleging forgery and upon the complaint by the owners, the SRO, Purasawalkam, conducted an enquiry and cancelled the assignment, under which the petitioner claims right.

10.It is seen that the said order of the SRO, Purasawalkam, has become final with the petitioner not choosing to challenge the same. The back bone of the claim in the obstruction petition was only the said assignment deed, which was marked as Ex.P1 and the ex-parte decree in the suit has been granted based on an adverse possession in favour of the petitioner against third parties. The decree was not against the respondents 1 and 2 or their predecessor in interest. Further, the petitioner himself filed a suit in O.S.No.3858 of 2011 against the respondents 1 and 2, seeking a declaratory right and also injunction. The said suit was dismissed for non prosecution and thereafter, it has not been pursued. On the side of the decree holder as well, their father filed the suit in O.S.No.4129 of 1989, for permanent injunction against the petitioner himself and the said suit has also been decreed and the said decree has also become final. In the light of the above, I do not see how the decree in C.S.No.282 of 2007, marked as Ex.P6 will ennure to the benefit of the petitioner, after much water has flown under the bridge.

11.The very same defence was raised by the 3rd respondent before the Rent Controller and the Appellate Authority also affirmed the findings of the Rent Controller and the eviction orders, passed concurrently, have attained finality as well. It is thus



clear that the petitioner and the 3rd respondent are hand in glove and colluding between themselves, in order to defeat the decree for eviction passed against the 3rd respondent.

There is absolutely no merit in the revision petitions. The executing Court has discussed the oral and documentary evidence in great detail and has come to the right conclusion that the petitioner is not entitled to obstruct to delivery of possession as he has not been able to satisfy any independent right or title to the premises. I do not see any grounds available to interfere with the well considered order.

12. In fine, the Civil Revision Petitions are dismissed. The executing Court shall dispose of E.P.Nos.31 & 32 of 2024 finally by 31.03.2026. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

27.02.2026

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

The XVI Small Causes Court, Chennai.



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P.B.BALAJI.J.

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Pre-delivery order made in
CRP.Nos.5757 & 5758 of 2025
& CMP.Nos.28626 & 28627 of 2025

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