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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 6205 of 2025 and CMP No.30600 of 2025

1. K.P.Ramesh (died), Sarada Govindan
(died), 1.Maya Ramesh
W/o Late Ramesh Babu, Res at No.25, 45
Street, 9 Avenue, Ashok Nagar, Chennai
600 083 and 2 Others

2.Selvi Haritharsi (minor)
D/o Late Ramesh Babu, Res at No.25, 45
Street, 9 Avenue, Ashok Nagar, Chennai
600 083 Minors rep by 1st petitioner

3.Jenny Krishna (minor)
S/o Late Ramesh Babu, Res at No.25, 45
Street, 9 Avenue, Ashok Nagar, Chennai
600 083 Minors rep by 1st petitioner

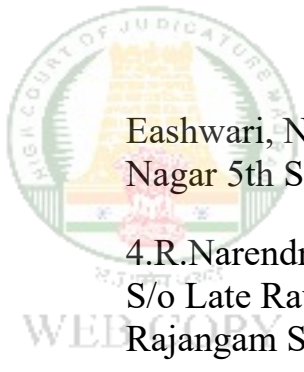
Petitioner(s)

Vs

1. V.Selvaraj
No.18/1, Gangai Amman Koil Street,
(Saligramam), Vadapalani, Chennai 600
026

2.R.Babu
S/o Late Ravindran and Easwari, New
No.110, Vijayaragavapuram 4 Street,
Chennai 93

3.R.Kalyani
W/o Chandran, D/o Late Ravindran and



Eashwari, No.37, Somasundarabharathi
Nagar 5th Street, K.K.Nagar, Chennai 78

4.R.Narendran

S/o Late Ravindran and Easliwari, No.5,
Rajangam Street, Vadapalani, Chennai 26

5.R.Balaji

S/o Late Ravindran and Easliwari, No.39,
Rani Anna Nagar, Chennai 78

6.Abirami

W/o Sri Vijayakumar, D/o Late Eashwari,
No.25-5 Kamarajaj Colony 7 Street,
Kodambakkam, Chennai 24

7.R.Selvi

D/o Sri Selvaraj and Late Smt.Eashwari,
No.18/1, Gangai Amman Koil Street,
(Saligramam), Vadapalani, Chennai 600
026 Decree holders 2 to 7 all are being rep
by their General Power of Attorney Agent
V.Selvaraj (1st Decree Holder)

8.Mathan

S/o Late Pushpa and Natarajan, No.20/6B,
Easani Moorthi Koil St, Thiruvottiyur,
Chennai 600 019

9.Manjula

D/o Late Pushpa and Natarajan, No.18,
Rajaji Nagar, Sasthri Street, Thiruvottiyur,
Chennai 600 019

10.Ravindran

No.20, Rajaji Nagar, Camp Road,
Tambaram, Chennai 600 073

11.Lupin (minor)

S/o R.Ravindran, Rep by father natural
guardina R Ravindran, No.20, Rajaji
Nagar, Camp Road, Tambaram, Chennai
600 073



12.C.R.Mani

Carry on business at No.163/2, NSK Salari,
Vadapalani, Chennai 26

13.Siraj-ud-din

Carry on business at No.163/2, NSK Salari,
Vadapalani, Chennai 26 (8 and 9
defendants impleaded as per order in
IA.No.18179/2012 dt 05.03.2014)

Respondent(s)

Civil Revision Petition filed under Section 115 of Civil Procedure Code against the fair and decreetal order in unnumbered ATN202200042220202500032 in EP No.913/2025 in O.S.No.6508 of 2008 dated 14.11.2025 on the file of IX Assistant City City Court, Chennai.

For Petitioner(s): R.Rajaramani

For Respondent(s): Mr.M.Gubera Moorthy
For R1 To R7
Mr.C.Deivasigamani
For R.12 and R.13
R.8 to R.11 – No appearance

ORDER

Heard Mr.R.Rajaramani, learned counsel for the petitioners and Mr.M.Gubera Moorthy, learned counsel for the respondents 1 to 7 and Mr.C.Deivasigamani, learned counsel for the respondents 12 and 13.

2. The petitioners are the legal representatives of the tenant against whom ejectment proceedings were initiated.

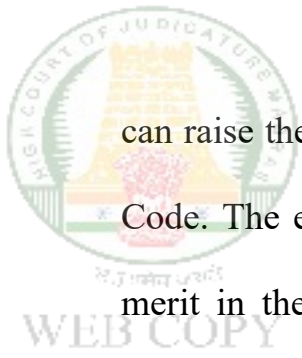


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3. Learned counsel for the petitioners would invite my attention to Section 4(4) of the Madras City Tenants' Protection Act, 1921 and contend that in the earlier attempt to evict the tenant, there was an order directing the landlord to pay the tenant a determined amount. The said order was challenged in appeal. However, the appeal was subsequently withdrawn. In such circumstances, learned counsel for the petitioners states that Section 4 (4) of the Act would not come into play and a fresh ejectment suit or any application for recovery of possession cannot be filed for a period of five years from the date of dismissal.

4. According to the learned counsel for the petitioners, the subsequent ejectment suit has been filed within the said period of five years. He further states that the respondents have also valued the property at less than Rs.2,000/- and therefore, the City Civil Court was not competent to try the suit. However, learned counsel for the petitioner would fairly state that all these contentions have been raised in the first appeal in A.S.No.116 of 2025, which is pending before XXI Additional City Civil Court, Chennai.

5. In the light of the above, I do not see how the petitioners, having raised these contentions before the trial Court and having lost in challenge to the same, and have challenged the very same findings in a manner known to law, in the first appeal,



can raise these questions in an application filed under Section 47 of the Civil Procedure Code. The executing Court has gone into all these aspects and finding that there is no merit in the contentions put forth and advanced by the petitioners, in my considered opinion, rightly dismissed the application filed under Section 47 of the Civil Procedure Code.

6. I do not find any grounds, warranting interference in the revision. However, at the same time, considering that the first appeal in A.S.No.116/2025 is pending challenging the decree in the ejectment suit and these contentions are also raised in the first appeal, a fair opportunity should be given to the petitioners and they cannot be deprived of a right to challenge the findings of the trial court.

7. Though I am dismissing the revision, confirming the order passed by the executing Court in unnumbered E.A.No.ATN202200042220202500032 dated 14.11.2025, further proceedings in EP No.913 of 2025 in O.S.No.6508 of 2008 shall be kept in abeyance till 30.04.2026. The learned Judge, XXI Additional City Civil Court, Chennai shall expedite the hearing of the first appeal in A.S.No.116 of 2025 and dispose of the appeal, on merits and in accordance with law, on or before 24.04.2026.

8. Subject to the decision of the first appellate court in A.S.No.116 of 2025, it shall be open to the respondents to pursue the pending execution petition.



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sr

9. It is needless to state that the contentions that have been raised and rejected in the application filed under Section 47 of the Civil Procedure Code, can always be agitated in the first appeal, subject to necessary grounds having been raised in this appeal.

10. With the above observations, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.02.2026

sr

Index:yes/no

Website:yest/no

Speaking Order/Non-Speaking Order

To

1. The IX Assistant City City Court, Chennai.
2. The XXI Additional City Civil Court, Chennai

CRP No. 6205 of 2025