



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

**CRP No. 6210 of 2025
and CMP.No.30614 of 2025**

1. Chintya
2. Prema Ajit

..Petitioner(s)

Vs

1. T. Rajendiran
2. B. Manohar
3. Sudarshan Chits (India) Limited
Rep. by its Authorized Signatory,
having office at No.25, 2nd Floor,
Sir Theagaraya Road,
T.Nagar, Chennai 600 017
4. Sudarshan Trading Company Limited
Rep. by its Authorized Signatory,
having office at No.25, 2nd Floor,
Sir Theagaraya Road,
T.Nagar, Chennai 600 017

..Respondent(s)

CRP filed under Section 115 of the CPC to set aside the dated 25.11.2025 made in E.P.No.1152/2025 in RLTOP.No.96/2024 on the file of XV Small Causes Court, Chennai.

For Petitioner(s):

Mr.S.Mukunth, Senior Counsel,
for Mr.M.Ashwin Kumar

For Respondent(s):

M/s.K.Venkateswaran, for R1 & R2

**ORDER**

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This Civil Revision Petition is filed against the order dated 25.11.2025 passed in E.P.No.1152/2025 arising out of RLTOP.No.96/2024 on the file of XV Small Causes Court, Chennai.

2. The respondent 1 and 2 herein/landlords filed RLTOP.No.96 of 2024 for eviction of the tenants/petitioners & respondents 3 and 4 herein, under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act. After contest, an order of eviction was passed on 08.09.2025. Thereafter, the respondents 1 and 2 filed Execution Petition in EP.No.1152 of 2025 for execution of the decree dated 08.09.2025 in RLTOP.No.96 of 2024. The Execution Court, placing reliance on the provisions of order XXI Rule 22(1) proviso of the CPC, held that notice to the petitioners herein/judgment debtors could be dispensed with since, EP was filed within two years from the date of the decree. The Executing Court thereafter allowed the execution and ordered delivery. Aggrieved over the same, the petitioners/judgment debtors filed the present CRP.

3. The learned counsel for the petitioners, relying on the order dated 16.12.2025, passed by this Court in CRP.No.5723 of 2025 in similar matter, where identical issue was involved, submitted that, in the said CRP the learned



Judge, referring to Section 39(3) of the Act, held that notice could not be dispensed with to the petitioners since the provisions of Order XXI of the CPC were not applicable to execution under the Act. The learned counsel therefore submitted that the order passed in E.P.No.1152 of 2025, deserved to be set aside for violation of Section 39(3) of the Act, which mandated notice to the petitioners.

4. The learned counsel for the respondents 1 and 2/landlords submitted that since the petitioners had knowledge of the EP proceedings, notice under Section 39(3) of the Act, was not necessary. The learned counsel further submitted that though the order in RLTOP.No.96 of 2024, was passed on 08.09.2025, the appeal was filed with delay and therefore the execution proceedings need not be stalled. The learned counsel further submitted that in case this Court is inclined to allow the CRP, fresh notice may be dispensed with since the respondents already entered appearance in the EP.

5. This Court while considering the similar issue of notice under Section 39(3) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act in *M/s.B.D.V.S.Showroom vs. T.Rajendran* in CRP.No.5723 of 2025, held as follows:

“5. The Executing Court (Rent Court) without ordering notice to the respondents, has perused the records and noticing that the



execution petition is filed within two years from the date of decree, notice to the respondent/judgment debtor has been dispensed with. The provisions of the Code of Civil Procedure are expressly excluded for the purposes of execution in the matters arising under the TNRRLT Act. Further, Section 39(3) of the Act specifically mandates orders to be passed only after service of notice on the opposite party and hence the question of dispensed with notice does not arise, that too, applying the provisions of Order XXI of the Civil Procedure Code.”

6. The learned Judge in the aforesaid case clearly held that the provisions of Order XXI rule 22(1) CPC, were not applicable. The learned Judge further held that under Section 39(3) of the TNRRLT Act, notice to the judgment debtor cannot be dispensed with.

7. This Court is of the view that the aforesaid judgment squarely applies to the present case and therefore, in the view of this Court, the Executing Court erred in dispensing with notice relying on Order XXI rule 22(1) CPC overlooking that the said provisions are inapplicable and only the provisions of Section 39(3) of the TNRRLT Act, are applicable.

8. Therefore, the order dated 25.11.2025 in EP.No.1152 of 2025 is set aside. The Execution Court shall strictly comply with the provisions of Section 39(3) of the Act, issue notice to the petitioners, and thereafter proceed to decide



the execution petition. Accordingly, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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

To
XV Small Causes Court, Chennai



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N.MALA, J.

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