



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 242 of 2026

AND

CMP NO. 1148 OF 2026

1. Banumathy
W/o.Soundararajan,
D.No. 145, Kurinji Poo St, South Periyar
Nagar, Kaspas Virudhachalam,
Virudhachalam Tk.
2. Lakshmi
W/o.Late Karthikrajan,
D.No.145, Kurinji Poo St, South Periyar Nagar,
Kaspas Virudhachalam,
Virudhachalam Tk.

..Petitioner(s)

Vs

1. Solomon Herbert
W/o.Soundararajan,
No.347, Indira Nagar,
Neyveli-1.
2. Selvarani
W/o.Selvanathan,
D.No.900, Ko.Ponneri Village, Virudhachalam
Tk.

..Respondent(s)

CMP No. 1148 of 2026

1. Banumathy
W/o.Soundararajan,
D.No. 145, Kurinji Poo St, South Periyar
Nagar, Kaspas Virudhachalam,
Virudhachalam Tk.
2. Lakshmi
W/o.Late Karthikrajan,
D.No.145, Kurinji Poo St, South Periyar Nagar,



Kaspa Virudhachalam,
Virudhachalam Tk.

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Vs

..Appellant(s)

1. Solomon Herbert
W/o.Soundararajan,
No.347, Indira Nagar,
Neyveli-1.
2. Selvarani
W/o.Selvanathan,
D.No.900, Ko.Ponneri Village, Virudhachalam
Tk.

..Respondent(s)

CRP No. 242 of 2026

To set aside the order dated 9.6.2025 in EP.No. 6/2022 in RCOP.No.2/2010 passed by the Learned Rent Control Court, Virudhachalam / Principal District Munsif Court, Virudhachalam and to allow the above CRP.

CMP No. 1148 of 2026

To stay all further proceedings in EP.No.6/2022 in RCOP.No. 2/2010 on the file of Learned Rent Control Court, Virudhachalam / Principal District Munsif Court, Virudhachalam, pending disposal of the above CRP.

CRP No. 242 of 2026

For Petitioner(s): T.Sundaravadanam

For Respondent(s): M/s.R.Meenal
G.Indira
T.Sezhian For R2
R1 - SOLOMON HERBERT W/o.Soundararajan,
No.347, Indira Nagar, Neyveli-1.
Pvt. Notice

Rr 1 & 2 - Item Delivered On 02.02.2026



Order

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- (1) The Civil Revision Petition is filed by the petitioners challenging the order dated 09.06.2025, passed in EP.No.6/2022 in RCOP.No.2/2010 on the file of the learned Principal Subordinate Judge, Virudhachalam, ordering delivery of possession.
- (2) The tenants are the revision petitioners. The respondents are the landlords.
- (3) The respondents filed RCOP.No.2/2010, on the file of the learned Principal District Munsif, Virudhachalam, for eviction of the petitioners under Section 10[2][i] and Section 14 of the Rent Control Act. The said RCOP was allowed by order dated 20.02.2018, directing the petitioners to vacate and hand over possession of the petition rented property to the 2nd respondent herein, within a period of two months, from the date of the order. Aggrieved by the order passed in RCOP, the petitioners filed an appeal in RCA.No.1/2018. During the pendency of the RCA proceedings, the petitioners filed an application for interim stay of operation of the RCOP order dated 20.02.2018. On 18.12.2018, the learned Principal Subordinate Judge, Virudhachalam, granted an order of interim stay on condition of deposit of rent of Rs.2,28,000/- by the petitioners on or before 03.01.2019. The said direction was complied



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with by the petitioners herein. Thereafter, the RCA was dismissed for default on 24.09.2021. After the dismissal of RCA for default, the respondents filed an execution petition in EP.No.6/2022 and by the impugned proceedings, the EP was allowed on 09.06.2025. Aggrieved by the order passed in the Execution Petition, the petitioners have filed the above Civil Revision Petition for the aforesaid relief.

- (4) The learned counsel for the petitioners submitted that there was a fundamental error in the impugned order passed by the learned Principal Subordinate Judge, Virudhachalam, in that, the learned Judge failed to note that RCA.No.1/2018 which was dismissed for default on 24.09.2021, was restored by the Appellate Court on 23.08.2022. The learned counsel submitted that though the appeal was restored on 23.08.2022, the learned Judge failed to consider the same and erroneously directed delivery of possession in the EP.
- (5) The learned counsel for the respondents, did not dispute that the RCA was restored on 08.09.2022. The learned counsel submitted that in the RCA, the respondents filed IA.No.3/2023, under Section 11[4] of the Rent Control Act and prayed that appropriate directions may be issued to the Rent Control Appellate Court, to dispose of IA.No.3/2023 within a reasonable time.
- (6) Heard both sides and perused the materials placed on record.



(7) The facts are undisputed. The only issue is whether the order passed by the learned Principal Subordinate Judge, in EP.No.6/2022 in RCOP.No.2/2010, is sustainable.

(8) A perusal of the order passed by the learned Principal Subordinate Judge, reveals that the learned Judge allowed the Execution Petition on the sole ground that RCA No.1/2018, preferred by the petitioners, was dismissed for default on 24.09.2021. As rightly contended by the learned counsel for the petitioners, the learned Judge, failed to note that the appeal was restored on file on 08.09.2022. On restoration of appeal, and in view of the compliance of the condition imposed in the interim order, the interim order of stay granted on 18.12.2018, stood revived. The learned Judge therefore ought to have kept the execution proceedings in abeyance. This Court is of the view that since the impugned order was passed on a misconception of facts, it cannot be sustained.

(9) The learned counsel for the respondents submitted that IA.No.3/2023 filed under section 11[4] of the Rent Control Act, was pending before the Appellate Authority and therefore, appropriate directions may be issued for speedy disposal of IA.No.3/2023.

(10) Since IA is of the year 2023, this Court is inclined to issue direction to the Rent Control Appellate Authority, to consider IA.No.3/2023 on merits and in accordance with law and pass appropriate orders.



(11) Accordingly, the Civil Revision Petition is **allowed** and the order dated 09.06.2025, made in EP.No.6/2022 in RCOP.No.2/2010, is set aside. The Rent Control Appellate Authority, is directed to consider IA.No.3/2023 on merits and in accordance with law and pass appropriate orders, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

05-03-2026

AP

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N.MALA J.

AP

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