



C.R.P.(MD)No.1285 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.06.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.1285 of 2026

and

C.M.P.(MD)No.6111 of 2026

Senthil Murugan

... Petitioner

vs.

Grouli

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order dated 09.03.2026 passed in E.P.No.04 of 2025 in R.L.T.O.P.No.01 of 2022 on the file of the District Munsif Court, Srivaikuntam and decide the same on merits.

For Petitioner : Mr.R.J.Karthick

ORDER

Heard Mr.R.J.Karthick, learned Counsel for the Civil Revision Petitioner.

2. This Civil Revision Petition is at the instance of the tenant. He impugns the order passed by the Executing Court in E.P.No.4 of 2025, dated 09.03.2026. The relationship between the parties is not

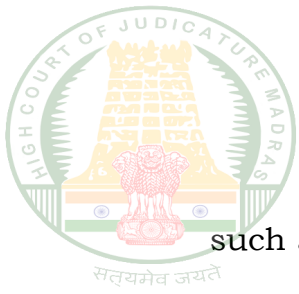


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in dispute. The respondent is the landlord and the petitioner is the tenant. Aggrieved with the failure of the tenant to enter into an agreement in terms of Section 4(2) of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, the landlord presented R.L.T.O.P.No.1 of 2022. She invoked Section 21(2)(a). After a hot contest, the eviction petition was allowed on 18.03.2025.

3. As the tenant did not comply with the terms of the order, the landlord presented E.P.No.4 of 2025. It is the plea of the tenant before the Executing Court that he had filed an application to set aside the ex-parte order passed by the Rent Controller. Hence, he requested the executing proceedings to be deferred. The learned Rent Controller rejected the arguments and directed delivery of possession. Hence, this revision.

4. When the matter came up yesterday (01.06.2026), Mr.R.J.Karthik urged that he has several defences to place before the Rent Controller. One of them being that the ex-parte order is liable to be set aside and also that the tenant is protective by a prohibitory decree in O.S.No.114 of 2021. This Court asked a pointed question to Mr.R.J.Karthick as to whether any agreement was entered into in terms of Section 4(2) of the Act. Mr.R.J.Karthick responded that no



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such agreement had been entered into. In terms of Section 21 (2)(a) of the Act, if there is no agreement, the axe falls on the tenant's neck immediately. The only way in which an eviction can be avoided under Section 21(2)(a) is by the tenant producing an agreement as required under Section 4.

5. Furthermore, the decree in O.S.No.114 of 2021 only restrains eviction except in accordance with law. The very presentation of R.L.T.O.P.No.1 of 2022 shows that the landlord has not taken the law into her own hands but has followed the due process of eviction. Therefore, both the defences projected by Mr.R.J.Karthick are mere moonshine.

6. At that stage, Mr.R.J.Karthick requested time to vacate and hand over possession. I called upon him to file an affidavit of undertaking on behalf of the tenant. I listed the matter for today.

7. When I took up the matter, Mr.R.J.Karthick filed an affidavit of undertaking, whereunder he has undertaken to vacate and hand over possession on or before 02.12.2026. The affidavit of undertaking is scanned and extracted hereunder:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(APPELLATE JURISDICTION)

C.M.P. (MD) No. of 2026
IN
C.R.P. (MD) No. of 2026

Senthil Murugan,
S/o. Ganapathy,
Door No:22, Nattar Amman Kovil Street,
Vazhavallan Village,
Eral Taluk,
Thoothukudi District.

... Petitioner/Petitioner

-V's-

Grouli,
W/o. Richard,
Door No:172, South Street,
Amali Nagar,
Tiruchendur Taluk,
Thoothukudi District.

... Respondent/Respondent

AFFIDAVIT

I, Senthil Murugan, S/o. Ganapathy, Hindu, aged 48 years, residing at Door No:22, Nattar Amman Kovil Street, Vazhavallan Village, Eral Taluk, Thoothukudi District now temporarily come down to Madurai, do hereby solemnly affirm and state as follows;

1. I am the petitioner herein and as such I am well acquainted with the facts and circumstances of the case which are to my knowledge.

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2. I respectfully submit that the respondent filed R.L.T.O.P. No.1 of 2022 under Sections 4(2) and 21(2) (a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, on the file of the District Munsif Court, Srivaikuntam, seeking my eviction. I entered appearance and filed my counter denying the allegations, due to an accident and the circumstances arising therefrom, I was unable to effectively contest the proceedings and I was called absent and set ex parte on 18.03.2025. Therefore, I challenged the ex parte order by filing I.A. No.8 of 2025 to set aside the same. The said application was dismissed on 09.03.2026. Challenging the same, I have preferred C.M.A. No.03 of 2026 before the Sub Court, Srivaikuntam, and the same is pending. In the meantime, the respondent filed E.P. No.4 of 2025 seeking delivery of possession and obtained orders in the execution proceedings. Aggrieved over the same, I have filed the above Civil Revision Petition before this Hon'ble Court.

3. I further submit that I am eking my livelihood by running a flower shop in the schedule property premises. I am the bread winner of my family and the flower shop business is the sole source of income for me and my family. Hence, I am not in a position to immediately secure an alternative premises and shift my business. Therefore, in order to avoid further

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(Signature)



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litigation and to enable me to make alternative arrangements for my livelihood and accommodation, I need a breathing time of nearly ^{Six months} ~~one~~ year from 02.06.2026 to 02.¹²~~06~~.202⁶ to vacate and hand over the possession of the schedule property premises to the respondent herein.

It is therefore prayed that this Hon'ble court may be pleased to record the undertaking affidavit filed by the petitioner and pass such other order as this Hon'ble court may deem fit and proper and thus render justice.

பாஷாநிபுத்தூக்

Solemnly affirmed at Madurai on this the 2nd day of June-2026. The contents of this affidavit was read out & explained to the deponent in Tamil who perfectly understood the same and signed his name in my presence.

Before me

G. Looney Advocate 1933/10

G. P. A. Simon 1303,
no 29187. north Palm Street,
Koulikata
no 91 Law Chambers,
High Court, Mal - 23
8248915160

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8. In the light of the above discussions, the Civil Revision
Petition is **dismissed**.

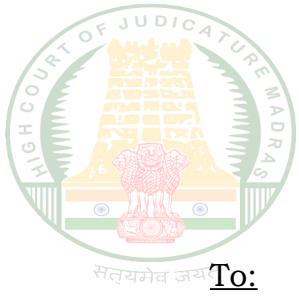
9. Taking into consideration the affidavit of undertaking, time is granted to the tenant to vacate and hand over possession on or before 02.12.2026. The learned Executing Judge is requested to defer the issuance of warrant till 03.12.2026.

10. In case the affidavit of undertaking is not complied with by the tenant on or before 02.12.2026, the learned Judge shall issue the warrant, along with orders for break-open and police aid, on 03.12.2026. The learned Rent Controller shall give specific instructions to the bailiff not to record any obstruction that may be caused by the tenant. These directions are apart from the contempt proceedings that the landlord may initiate against the tenant for breach of the undertaking given to this Court.

There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

02.06.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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The District Munsif Court, Srivaikuntam.



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V.LAKSHMINARAYANAN, J.

Nsr

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