



C.R.P.(MD)No.1295 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)Nos.1295, 1297, 1300, 1312, 1314 and 1323 of 2024
and

C.M.P.(MD)Nos.7467, 7473, 7493, 7647, 7598 and 7608 of 2024

C.R.P(MD)No.1295 of 2024:-

K.Amuthavalli

... Petitioner

-vs.-

K.P.Raja

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 01.04.2024 made in E.P.No.2 of 2017 in R.C.O.P.No.1 of 2015 on the file of the District Munsif cum Judicial Magistrate Court No.I, Kodaikanal, Dindigul District forthwith.

For Petitioner	:Mr.V.M.Bala Mohan Thampi
For Respondent	:Mr.D.R.Murugesan for Mr.S.Deenadhayalan



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C.R.P.(MD)No.1297 of 2024:-

K.Amuthavalli

... Petitioner

-VS.-

Kamardeen

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 01.04.2024 made in E.P.No.4 of 2017 in R.C.O.P.No.9 of 2015 on the file of the District Munsif cum Judicial Magistrate Court No.I, Kodaikanal, Dindigul District forthwith.

For Petitioner	:Mr.V.M.Bala Mohan Thampi
For Respondent	:Mr.D.R.Murugesan for Mr.s.Deenadhayalan

C.R.P.(MD)No.1300 of 2024:-

K.Amuthavalli

... Petitioner

-VS.-

T.R.Jahangir Badhsa

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 01.04.2024 made in E.P.No.3 of 2017 in R.C.O.P.No.3 of 2015 on the file of the District



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Munsif cum Judicial Magistrate Court No.I, Kodaikanal, Dindigul District
forthwith.

For Petitioner :Mr.V.M.Bala Mohan Thampi
For Respondent :Mr.D.R.Murugesan
for Mr.s.Deenadhayalan

C.R.P(MD)No.1323 of 2024:-

K.Amuthavalli ... Petitioner

-VS.-

Ganesh ...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 01.04.2024 made in E.P.No.5 of 2017 in R.C.O.P.No.14 of 2015 on the file of the District Munsif cum Judicial Magistrate Court No.I, Kodaikanal, Dindigul District forthwith.

For Petitioner :Mr.V.M.Bala Mohan Thampi
For Respondent :Mr.D.R.Murugesan
for Mr.s.Deenadhayalan

C.R.P(MD)No.1312 of 2024:-

K.Amuthavalli ... Petitioner

-VS.-

Appas ...Respondent



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PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 01.04.2024 made in E.P.No.6 of 2017 in R.C.O.P.No.17 of 2015 on the file of the District Munsif cum Judicial Magistrate Court No.I, Kodaikanal, Dindigul District forthwith.

For Petitioner :Mr.V.M.Bala Mohan Thambi
For Respondent :Mr.D.R.Murugesan
for Mr.s.Deenadhayalan

C.R.P(MD)No.1314 of 2024:-

K.Amuthavalli ... Petitioner

-VS.-

Vasu ...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 01.04.2024 made in E.P.No.07 of 2017 in R.C.O.P.No.18 of 2015 on the file of the District Munsif cum Judicial Magistrate Court No.I, Kodaikanal, Dindigul District forthwith.

For Petitioner :Mr.V.M.Bala Mohan Thambi
For Respondent :Mr.D.R.Murugesan
for Mr.S.Deenadhayalan



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C.R.P.(MD)No.1323 of 2024:-

K.Amuthavalli

... Petitioner

-VS.-

Ganesh

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 01.04.2024 made in E.P.No.05 of 2017 in R.C.O.P.No.14 of 2015 on the file of the District Munsif cum Judicial Magistrate Court No.I, Kodaikanal, Dindigul District forthwith.

For Petitioner :Mr.V.M.Bala Mohan Thambi
For Respondent :Mr.D.R.Murugesan
for Mr.K.Guhan

COMMON ORDER

The present Civil Revision Petitions have been filed challenging the orders passed by the learned District Munsif cum Judicial Magistrate No.I, Kodaikanal, Dindigul District, in E.P.No.2 of 2017 in R.C.O.P.No.1 of 2015, E.P.No.4 of 2017 in R.C.O.P.No.9 of 2015, E.P.No.3 of 2017 in R.C.O.P.No.3 of 2015, E.P.No.5 of 2017 in R.C.O.P.No.14 of 2015, E.P.No.6 of 2017 in



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R.C.O.P.No.17 of 2015, E.P.No.07 of 2017 in R.C.O.P.No.18 of 2015 and E.P.No.05 of 2017 in R.C.O.P.No.14 of 2015, dated 01.04.2024.

2.Heard Mr.V.M.Bala Mohan Thambi, learned Counsel for the Revision Petitioner and Mr.D.R.Murugesan, learned Counsel for the respondents.

3.The petitioner is the landlord and the respondents are the tenants. The petitioner filed the petitions before the District Munsif-cum-Judicial Magistrate Court, Kodaikanal against the respondents for eviction on the ground of wilful default. Since the respondents failed to appear before the Court below, they were set *ex parte* and *ex parte* orders were passed. Thereafter, the petitioner had filed Execution Petitions. In the meanwhile, the respondents herein have also filed petitions to set aside the *ex parte* orders along with delay condonation applications. Subsequent to that, the respondents had filed applications in E.A.Nos.22, 24, 25, 26, 23 and 27 of 2018 seeking to stay the execution proceedings till the disposal of delay condonation. After hearing the parties, the learned District Munsif-cum-Judicial Magistrate, Kodaikanal, vide order, dated 31.10.2019, had allowed the



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above applications in E.A.Nos.22, 24, 25, 26, 23 and 27 of 2018. Against the said orders, the petitioner herein had filed Civil Revision Petitions in C.R.P(MD)Nos.234 to 239 of 2020 and the learned Single Judge of this Court, vide order, dated 21.01.2021, had passed the following order:

“6.Considering the facts and circumstances of the case, without advertng to the merits of the case, this Court is of the view, ends of justice would be met if a direction is given to the Court below to dispose of condone delay petitions and the exparte set aside petitions within a time frame. Accordingly, the District Munsif Cum Judicial Magistrate, Kodaikanal, is directed to dispose the condone delay petitions in I.A.Nos.2, 4, 6, 7, 3 and 8 of 2018 and exparte set aside petitions in I.A.Nos.15, 17, 19, 20, 16 and 21 of 2018 in R.C.O.P.Nos.1, 9, 14,17, 3 and 18 of 2015, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. The interim order granted in the above Execution Applications will be in force till three months. If the respondents/tenants are not co-operating in concluding the delay petition and exparte set aside petition, the petitioner is at liberty to proceed with the Execution petition.”

4.Thereafter, the Executing Court, vide order, dated 20.04.2022, had allowed the execution petitions filed by the petitioner herein. However, on the same day, the delay condonation application filed by the respondents were also allowed and challenging the order passed by the Executing Court, dated 20.04.2022, the respondents herein have filed Civil Revision Petitions in



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C.R.P(NPD)(MD)Nos.820 to 825 of 2022. The learned Single Judge of this Court, vide order, dated 20.04.2022, had passed the following order:

“6.Now at the time of passing delivery orders in EP petitions, delay condonation petitions were allowed, exparte decree set aside petitions were also allowed. So the EP Court cannot pass any delivery orders, on the basis of the exparte decree. Only after deciding the exparte decree set aside petitions, the EP Court has to pass orders in E.P application. The orders passed by the trial Court cannot be sustained.

7.Accordingly, all the Civil Revision Petitions are allowed and the fair and decretal orders 25.02.2022 made in E.P. No. 2 of 2017 in RCOP. No. 1 of 2015, E.P. No. 6 of 2017 in RCOP. No. 17 of 2015, E.P. No. 5 of 2017 in RCOP. No. 14 of 2015, E.P. No. 4 of 2017 in RCOP. No. 9 of 2015, E.P. No. 7 of 2017 in RCOP. No. 18 of 2015 and E.P. No. 3 of 2017 in RCOP. No. 3 of 2015 respectively, passed by the learned District Munsif-Cum-Judicial Magistrate Court, Kodaikanal are set aside. Further, the revision petitioner is hereby directed to deposit the arrears of rent, to the credit of RCOPs within one month. If he has already not deposited the rent, the trial Court is directed to dispose of the matters within three months. If the petitioner fails to deposit the said amount within one month, in the second week of June, 2022 the orders passed in E.P.s are automatically confirmed. No costs. Connected miscellaneous petitions are closed.”

5. Thereafter, the respondents herein have filed miscellaneous petitions seeking modifications in the order passed in C.R.P(MD)Nos.820 to 825 of 2022 before this Court in C.M.P.(MD)Nos.5040 to 5047 of 2022 in C.R.P(MD)Nos.820 to 825 of 2022, wherein, the learned Single Judge of this



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Court, vide order dated 04.11.2022 has passed the following order:

“5.In view of the above submissions, these miscellaneous petitions are ordered and the amount already deposited by the petitioners to the credit of the applications filed under Section 9 of the Act shall be considered to the credit of the RCOP proceedings. The petitioners / tenants shall deposit the rental amount, including arrears, regularly, without fail. It appears that this Court, considering the age of the RCOP proceedings, has already issued a direction to the trial Court to dispose of the proceedings within a stipulated time limit. However, in view of these litigations, the proceedings are still pending. Considering the same, there shall be a direction to the trial Court to expedite the proceedings and to conclude the same, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. The parties are expected to co-operate the trial Court for the conclusion of the trial.”

6.Subsequently, the learned District Munsif-cum-Judicial Magistrate No.I, Kodaikanal, Dindigul District, vide impugned order, dated 01.04.2024, had dismissed the execution petition on the ground that the Executing Court cannot pass any delivery orders, on the basis of the *ex parte* delivery order, which was being set aside and the matter can be decided only after conducting the trial in the main RCOP. Challenging the same, the present Civil Revision Petitions have been filed.



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7.The learned Counsel for the petitioner submitted that the respondents/tenants without paying the rent from 01.04.2013 have squatting over the subject property and that without considering the entire evidence available on record, the Executing Court has passed the impugned order, which is *per se* illegal. The Executing Court has not taken into consideration the orders passed by this Court in the Civil Revision Petitions (referred supra) and that the Executing Court had erred in dismissing the petitions filed by the petitioner herein, which needs interference of this Court.

8.The learned Counsel for the respondent submitted that there is no landlord and tenant relationship and the petitioner is not the owner of the property. The learned Counsel further submitted that the Executing Court has rightly observed that without deciding the RCOP, the Executing Court cannot pass any order of delivery, as per the directions of this Court. The learned Counsel also submitted that the Executing Court has rightly passed the impugned orders, which need no interference of this Court.



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9 This Court considered the submissions made on either side and perused the materials available on record.

10. The petitioner herein is the landlord and the respondents are alleged to be the tenants. Since the respondents/tenants have not paid the rents properly, the petitioner has filed RCOPs and in the RCOPs, *ex parte* orders were passed. Challenging the same, the respondents have filed applications to set aside the *ex parte* orders along with delay condonation applications. In the meanwhile, the petitioner has also filed Execution Petitions before the Executing Court. Very strangely, both the execution petitions as well as the delay condonation applications for filing petitions to set aside the *ex parte* orders were allowed on the same day. The learned Single Judge of this Court, vide order, dated 20.04.2022, by observing that “*at the time of passing delivery orders in EP petitions, delay condonation petitions were allowed, exparte decree set aside petitions were also allowed and that the EP Court cannot pass any delivery orders, on the basis of the exparte decree and only after deciding the exparte decree set aside petitions, the EP Court has to pass orders in E.P application; the orders passed by the trial Court cannot be sustained*” had set



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aside the order passed by the executing Court and directed the trial Court to conclude the trial within a period of three months from the date of receipt of a copy of that order. Admittedly, the petitioner has not filed any appeal or revision challenging the order allowing the petitions for delay condonation for filing applications to set aside *ex parte* orders, which reached finality. The Executing Court after considering the orders passed by this Court, had passed the impugned orders, which does not warrant any interference of this Court. This Court does not find any infirmity or irregularity in the order passed by the Court below.

11.In the result, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

12.This Court in C.R.P(MD)No.820 to 825 of 2023, vide order, dated 04.11.2022 had directed the trial Court to conclude the trial within a period of three months. Even thereafter, this Court in C.M.P.(MD)Nos.5040 to 5047 of 2022 in C.R.P(MD)Nos.820 to 825 of 2022, vide order, dated 04.11.2022, had again directed the trial Court to conclude the trial proceedings within a period



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of two months from the date of receipt of a copy of that order. It is shocking to see that no endeavour has been taken by the trial Court to complete the proceeding within the stipulated period and there is no explanation forthcoming from the Court below for the inordinate delay. In such view of the matter, the trial Court is directed to conduct the trial proceedings on a day-to-day basis without granting any adjournment and conclude the entire proceedings within a period of two months from the date of receipt of a copy of this order. In the meanwhile, the respondents are directed to deposit the entire arrears amount, less the amount, if already paid, within a period of one week from the date of receipt of a copy of this order, failing which, the trial Court shall pass appropriate orders to evict the respondents.

13. Since there is absolutely non-compliance of the orders passed by this Court, dated 20.04.2022 and 04.11.2022 (referred supra), the learned Principal District and Sessions Judge, Dindigul, is directed to ensure the completion of trial within the time period, as stipulated by this Court and shall monitor the entire proceedings, which has to be conducted on a day-to-day basis and file a report to the Registrar (Judicial) of this Bench on completion of trial. The



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District Munsif-cum-Judicial Magistrate No.I, Kodaikanal, Dindigul District,
shall also file a report with regard to the progress of the case on weekly basis,
to the Registrar Judicial of this Bench.

14.Post the matter for compliance on 26.03.2026

12.02.2026

Internet :Yes/No
NCC :Yes/No
Index :Yes/No

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To

1.The learned Principal District and Sessions Judge,
Dindigul.

(For filing necessary report)

2.The District Munsif cum Judicial Magistrate No.I,
Kodaikanal, Dindigul District.

Copy to:

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

cmr

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