



C.R.P.(MD)No.2987 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.2987 of 2025

and

C.M.P.(MD)No.16950 of 2025

G.Jothimani

... Petitioner

-VS.-

G.Daniel Thomas

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to call for the entire records in relating to the impugned fair and decreetal order, dated 17.09.2025 made in E.A.No.18 of 2025 in E.P.No.2 of 2025 in R.L.T.O.P.No.1 of 2021 on the file of the District Munsif Court, Sathankulam and to set aside the same.

For Petitioner :Mr.M.S.Jeyakarthick

For Respondent :Mr.Ananth C.Rajesh



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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned District Munsif, Sathankulam, in E.A.No.18 of 2025 in E.P.No.2 of 2025 in R.L.T.O.P.No.1 of 2021, dated 17.09.2025.

2.Heard Mr.M.S.Jeyakarthick learned Counsel for the petitioner and Mr.Ananth C.Rajesh, learned Counsel for the respondent.

3.The petitioner is the tenant and the respondent is the landlord. The respondent/landlord has filed a petition in R.L.T.O.P.No.1 of 2021 before the District Munsif Court, Sathankulam, on the ground of default in payment of rent and for own use and occupation. The learned District Munsif, Sathankulam, after hearing the parties, vide order, dated 20.03.2025, had allowed the said petition. Challenging the same, the petitioner herein has preferred an appeal in R.T.L.A.No.5 of 2025 before the Subordinate Court, Tiruchendur, which is pending. In the meanwhile, the respondent has filed an execution petition in E.P.No.2 of 2025 in R.L.T.O.P.No.1 of 2021 before the



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District Munsif Court, Sathankulam. During the pendency of the execution petition, the petitioner herein has filed an application in E.A.No.18 of 2025 to declare the order, dated 20.03.2025 in R.L.T.O.P.No.1 of 2021, as inexecutable. The learned District Munsif, Sathankulam, vide impugned order, dated 17.09.2025, had dismissed the said petition. Challenging the same, the present Civil Revision Petition is filed.

4.Even though the learned Counsel for the petitioner made his arguments on merits, he submitted that the petitioner has filed an affidavit before this Court stating that he will vacate the premises within a period of one month and seeks indulgence of this Court for issuing appropriate directions.

5.However, the learned Counsel for the respondent submitted that even though the petitioner has filed an appeal, no stay order has been obtained by the petitioner and there is no bar under the statute for the trial Court to conclude the execution proceeding and that the order passed by the Executing Court is perfectly valid and seeks dismissal of this petition.



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6.This Court considered arguments as advanced by the learned Counsel on either side and perused the materials available on record.

7.The relationship between the petitioner and the respondent is not in dispute. Since the petitioner has committed default in payment of rent and as the respondent wants the subject property for his own use and occupation, he filed a petition in R.L.T.O.P.No.1 of 2021 before the District Munsif Court, Sathankulam and the learned District Munsif, Sathankulam, vide order, dated 20.03.2025, has allowed the said petition and challenging the same, the petitioner has filed an appeal and the same is pending. In the meanwhile, the respondent has filed an execution petition and in the execution petition, the petitioner has filed an application to declare the order passed in R.L.T.O.P.No.1 of 2021 as inexecutable and the same was dismissed by the learned District Munsif, Sathankulam. The contention of the learned Counsel for the petitioner that as the appeal is a continuation of suit, the execution petition cannot be entertained. However, it is to be noted that the appellate Court has not granted any order of stay and that mere filing of an appeal will not preclude the



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respondent from initiating the execution proceedings. Further, from the perusal of the impugned order, this Court does not find any infirmity or irregularity, which needs interference of this Court.

8.In result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. It is left open to the revision petitioner to convince the respondent for vacating the premises in accordance with the undertaking given before this Court and the respondent is at liberty either to consider or to reject the claim.

03.02.2026

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

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To

The District Munsif, Sathankulam.



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N.SENTHILKUMAR, J.

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