



WEB COPY

CRP No. 2378 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No. 2378 of 2026 and
CMP No.10241 of 2026**

Saravana Kumar, S/o. Sundar Rajan,
Flat G2, N.No.5, O.No.3, Ashoka Avenue East,
Kodambakkam, Chennai 024.

..Petitioner(s)

Vs

Thameem Sharifudin, S/o. P.M. Sharifudin,
No.3771 Rue La Frediere,
St. Hubert, Quebee J3Y0C6, Canada.

Rep by his Power of Attorney Rizwana,
W/o. Mohamed Ayub, No.5-1-127-2,
Kakithe Millath Nagar, Uthamapalayam,
Theni 625 533.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 27.3.2026 in EA.NO.5/2026 in EP.No. 1029/2025 on the file of XI Small Causes Court, Chennai.

For Petitioner(s):

Mr.M.Ganesan
for Mr. R.A.S.Senthilvel

For Respondent(s):

Mr.K.Shahul Hameed



ORDER

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This petition has been filed seeking to set aside the docket order dated 27.3.2026 passed in EA.No.5 of 2026 in EP.No. 1029 of 2025 on the file of XI Small Causes Court, Chennai.

2. The petitioner is the judgment debtor in E.P.No.1029 of 2025 filed by the respondent/decree holder, seeking execution of the order passed in RLTOP No.560 of 2024, pursuant to the eviction. Pending execution proceedings, the petitioner has filed E.A.No.5 of 2026 to advance the hearing of the above execution petition and it was dismissed by the execution court. Aggrieved by the same, the present civil revision petition has been filed.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The learned counsel for the petitioner/judgment debtor states that out of four portions, the petitioner already vacated one portion and in respect of the remaining three portions under his occupation, he has already filed an appeal before the Rent Tribunal. He further submitted that though it was initially filed with a delay, the delay has been condoned and now, the appeal is ripe for arguments. The learned counsel, therefore states that the interim protection



may be extended and suitable directions may be issued to enable the Rent Tribunal to dispose of the pending appeal.

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5. Per contra, learned counsel for the respondent would contend that the execution petition is in an advanced stage of final disposal and even police aid and break open have been ordered.

6. As rightly contended by the petitioner himself, when one portion has already been vacated, there can be no impediment for him to hand over possession of the remaining three portions as well. The learned counsel for the petitioner states that, if reasonable time is granted, the petitioner is willing to handover possession under his occupation to the landlord/decreed holder.

7. In the light of the above, I am inclined to dispose of the Civil Revision Petition with the following directions

i) The petitioner shall vacate and hand over vacant possession of the property on or before 20.10.2026.

ii) The petitioner shall file an undertaking affidavit that he will vacate the portions under his occupation peacefully, without forcing the respondent to pursue the pending execution proceedings and take forcible possession through court.



iii) The petitioner shall file undertaking affidavit within a period of one week.

iv) The interim order already granted by this court is extended. till then.

8. With the above directions, this civil revision petition is disposed of.

There shall be no order as to costs. Connected miscellaneous petition is closed.

9. Post the matter under the caption for reporting compliance on 17.07.2026.

10-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The XI Judge, Small Causes Court, Chennai.



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P.B.BALAJI, J.

MST

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