



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CMP Nos. 11277 of 2026 & 11280 of 2026

in

CRP No.420 of 2025

N.Dinakaran

..Petitioner(s) in both CMP's

Vs

K.Nagappan

..Respondent(s) in both CMP's

Prayer in CMP No.11277 of 2026: Civil Miscellaneous Petition filed under Section 148 of the Code of Civil Procedure, 1908 to extend the time granted in order dated 30.10.2025 by four months, i.e., until 31.08.2026 so as to enable the petitioner/petitioner to vacate and handover vacant possession of the petition premises to the respondent/Landlord.

Prayer in CMP No.11280 of 2026: Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure, 1908 to direct the respondent to refund a sum of Rs.5,40,000/- (Rupees Five Lakhs Forty Thousand) to the petitioner, across he handing over vacant possession of the petition premises to the respondent.

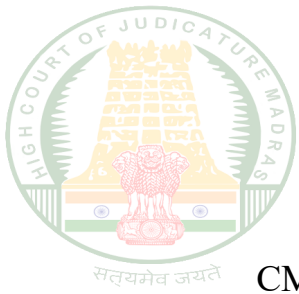
In both CMP's

For Appellant(s):

Mr.R.Pravesh

For Respondent(s):

Mr.R.Ramesh

**COMMON ORDER**

WEB COPY

CMP No.11277 of 2026 is filed seeking extension of time by four months [i.e.,] till 31.08.2026, from the date stipulated in the order dated 30.10.2025, for vacating and handing over vacant possession of the petition premises to the respondent/Landlord.

2. CMP No.11280 of 2026 is filed seeking a direction to the respondent to refund a sum of Rs.5,40,000/- to the petitioner at the time of handing over vacant possession of the premises.

3. In the affidavit filed in support of the petition seeking extension of time, the petitioner stated that while he was in the process of shifting his business, his granddaughter attained puberty and the related ceremonies and functions were scheduled to be conducted in the 1st week of May 2026. It is further stated that the petitioner's brother passed away and that his nephew's engagement has been fixed in June, 2026, and that the entire responsibility of conducting the said functions rests upon him. According to the petitioner, the immediate relocation of his business from the petition premises, would adversely affect his income and consequently, cause hardship in conducting the aforesaid family functions. On the said grounds, extension of time by four months, i.e., till 31.08.2026, is sought.

4. In the affidavit filed by the petitioner dated 23.10.2025, he undertook to vacate the petition premises and deliver the vacant possession to



the respondent on or before 30.04.2026. Based on such undertaking, time was granted till 30.04.2026. This Court, by order dated 30.10.2025, had recorded the undertaking affidavit of the petitioner, wherein he unequivocally undertook to vacate and hand over vacant possession to the respondent on or before 30.04.2026. The present petition has been filed on the ground that, owing to the ceremonies/functions scheduled during May and June, 2026, the petitioner is unable to vacate the premises and apprehends loss of income upon such re-location.

5. Significantly, the petitioner has not disclosed any bona fides or sincere steps taken by him during the interregnum to vacate the premises. The averments in the affidavit, in the considered view of this Court, appear to be only an attempt to prolong the matter. This Court finds that no honest effort has been made by the petitioner to honour the undertaking furnished before this Court. Consequently, this Court finds no bonafides in the petition seeking extension of time. Accordingly, CMP No.11277 of 2026 stands dismissed.

6. Insofar as CMP.No.11280/2026 seeking refund of Rs.5,40,000/- is concerned, the petitioner contends that he is entitled for refund of the advance amount under Section 24 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, and seeks a direction to the respondent to refund the said amount at the time of vacating and handing over possession of the premises.



7. This Court in its order dated 30.10.2025, had already considered the petitioner's claim for refund of advance amount and directed the respondent/Landlord to refund a sum of Rs.1,15,000/- at the time of vacating and handing over possession of the premises. The said figure was arrived at on the basis of the admitted monthly rent of Rs.10,000/-. Liberty was granted to the petitioner to initiate separate proceedings for recovery of the excess amount, if any, alleged to be due from the respondent/Landlord. Despite the same, the present petition has been filed seeking refund of the entire amount.

8. Section 24 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, merely contemplates refund of the advance amount after adjusting the rent and other charges due to the landlord. Since there exists a dispute as regards the actual amount payable towards advance, this Court, by its order dated 30.10.2025, granted liberty to the petitioner to work out his remedy before the competent Forum for recovery of the excess amount, if any. In such circumstances, this Court finds no merit in the petition. Accordingly, CMP No.11280 of 2026 also stands dismissed.

29-04-2026

VEDA/AP

To

- 1.The XVII Additional Judge, City Civil Court, Chennai.
- 2.The XI Rent Court, Small Causes Court, Chennai.



WEB COPY

CMP Nos. 11277 of 2026 & 11280 of 2



N.MALA, J.

VEDA / AP

**CMP Nos. 11277 & 11280 of 2026
in CRP No.420 of 2025**

29-04-2026