



CRP Nos.4640 and 4641 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26-11-2025**

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP Nos.4640 and 4641 of 2025
and CMP Nos.23451 and 23448 of 2025

R.Thenrajan

Petitioner in both the revisions

Vs

1. Dr.D.Thyagarajan

2. ANS Pandiyan Super Market
rep by its Partners

(1) Ganesan

(2)N.Pattu Kamaraj

(3) N.Senthurpandiyan

(4) Anishkumar

(R.2 sumo motu impleaded vide court order

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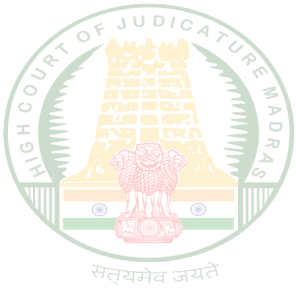
dated 28.10.2025 made in CRPNos.4640 &
4641 of 2021)

Respondents in both the revisions

Revisions filed under Article 227 of the Constitution of India to call for records
and struck off the proceedings in execution petitions in EP Nos.07 and 02 of
2025 in C.O.S.No.496 of 2023 on the file of Principal District Judge,
Thiruvallur.

For Petitioner : Mr.K.K.Senthilvelan
Senior Counsel
For Mr.M.Rajkumar

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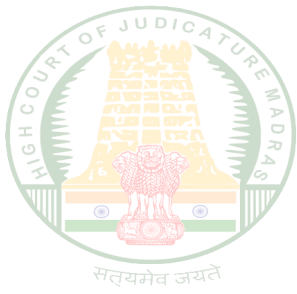
For Respondents : Mr.M.V.Seshachari

COMMON ORDER

Heard Mr.K.K.Senthilvelan, learned Senior Counsel for the revision petitioner/tenant and Mr.M.V.Seshachari, learned counsel for the respondent.

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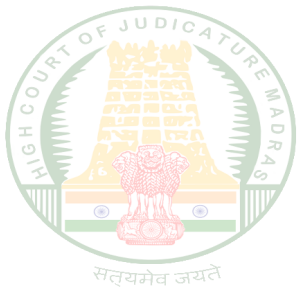
The proceedings in EP No.7 of 2025 to arrest the judgment debtor/tenant is sought to be struck off in the present revision.



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2. I am informed that the execution petition is at the stage of only recording means evidence and I do not see any case made out for striking off the said execution petition, since a remedy is available to the decree holder to contend that despite possessing sufficient means, the judgment debtor is evading payment due and payable to the decree holder. Hence I see no merit in the civil revision petition. **Therefore, CRP No.4630 of 2025 is dismissed.** It is open to the revision petitioner to defend the execution petition on merits. The executing court shall take into account the payment made pending the proceedings and also shall give an opportunity to the petitioner to settle the arrears amount, considering the fact that the tenant has vacated and handed over vacant possession before this Court today, which is



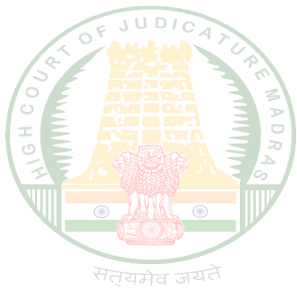
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being recorded in **CRP NO.4641 of 2025.**

3. **CRP No.4641 of 2025** has been filed by the petitioner/tenant challenging the order of delivery passed by the executing court in EP No.2 of 2025.

4. Learned Senior Counsel would submit that the petitioner/tenant has already vacated and is ready to hand over the keys, however, the revision has been periodically adjourned on the ground that there is no proper access for the landlord to reach the tenanted premises. It is a case where the relative of the petitioner/tenant is independently a tenant in respect of the ground

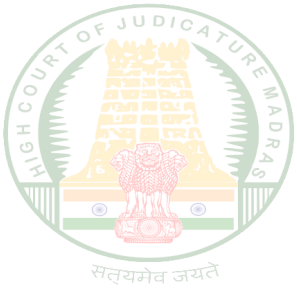


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floor portion of the same building. The 1st and 2nd floors are in occupation of the revision petitioner.

5. Previously there was good understanding between the petitioner and the ground floor tenant and therefore, the petitioner was using the passage inside the ground floor portion to access the lift and thereby reach the first and second floors. In view of this, the ground floor tenant has extended his shoop/area of operation into the access area leading to the upper floors. However, the decree holder cannot be required to deal with the ground floor tenant against whom also eviction proceedings are pending before the Civil Court, In order to give a quietus, I have suo motu impleaded the tenant



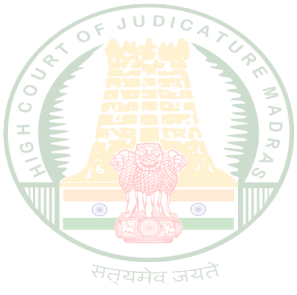
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occupying the ground floor portion.

6. Despite service of notice, the ground floor tenant, also having engaged a counsel, has thereafter not shown any interest to appear before this Court. The learned counsel, who entered appearance on behalf of the newly impleaded respondent viz., the ground floor occupant has reported no instructions today.

7. In the light of the above, in order to give a quietus to the matter,



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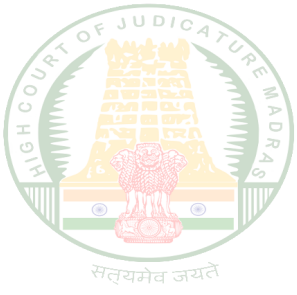
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when admittedly, it is clear that what has been let out to the revision petitioner was the first and second floors with definite access to reach the first and second floors through the ground floor portion directly leading to the lift, which gives access to the upper floors and the fact that the said portion was not forming part of the lease in favour of the ground floor occupant.

8. In the light of the above CRP No.4640 is dismissed and CRP

No.4641 of 2025 is disposed of in the following manner:-

- (i) The petitioner/tenant has handedover the keys to the respondent/landlord today, the receipt of which, the counsel



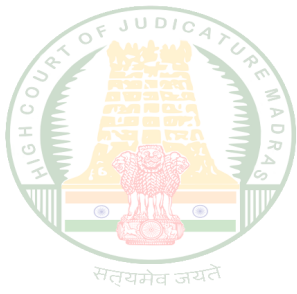
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for the landlord admits and acknowledges.

(ii) Insofar as ensuring the access that was originally made available to the revision petitioner, to reach the tenanted premises in the first and second floors, it is open to the respondent/landlord to take the assistance of the Court Bailiff in the pending execution petition to ensure that the access is restored as it was originally given to the revision petitioner/tenant.

(iii) It is made clear that the executing court shall not

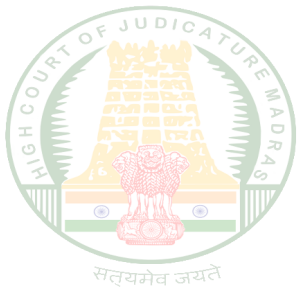


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entertain any objection or resistance from the ground floor tenant and necessary police aid shall also be provided to the bailiff in the event of there being any resistance to the execution of the decree, insofar as restoration of the access to the first and second floors portion.

(iv) Insofar as the tenanted ground floor portion, which is the subject matter of an independent suit, it is open to the ground floor/tenant to agitate all his contentions in the pending case and the order passed in this revision will not prejudice the interests of the tenant.

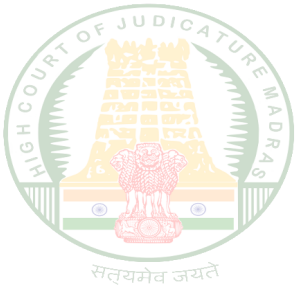


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(v) So far as arrears of rent, the parties are at liberty to ventilate their respective claims and objections in the pending execution petition.

(vi) In view of the details furnished by the petitioner/tenant, one Anishkumar has also been impleaded in this revision. By virtue of the suo-motu impleadment of Anishkumar, the Son-in-law of the petitioner has also been impleaded in this present revision. It was only to give a quietus to the disputes between the revision petitioner and the respondent/landlord



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insofar as the first and second floors are concerned and for such limited purpose alone, the parties have been added and the inclusion of Anishkumar in this revision will not in any way prejudice the case of the respondent/landlord in the other suit filed against N.Ganesan, N.Pattu Kamaraj and N.Senthurpandiyan.

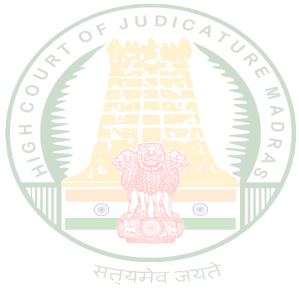
No costs. Consequently, connected miscellaneous petitions are closed.

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Index:yes/no

Website:yes/no

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Speaking Order/Non-Speaking Order
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P.B.BALAJI.,J

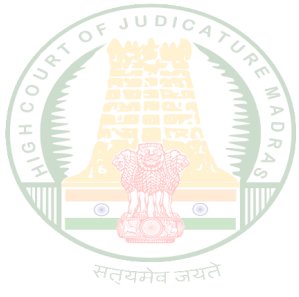
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To

The Principal District Court, Thiruvallur

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