

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 11.02.2026

Pronounced on: 20.02.2026

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. Nos.6601 of 2025 and 330 of 2026
and CMP. Nos.32700 of 2025 and 1783 of 2026**

V.G.Panneerdas and Company,
Represented by its Partner,
V.G.Santhosh having office at
No.18, Jennis Road,
Saidapet, Chennai - 600 015.

Petitioner in both CRPs

Vs

L.Panneerselvam (Deceased)
1.P.Prema
2. P.Shanmugam
3.P.Dinesh
4.P.Mugambiga

Respondents in both CRPs

COMMON PRAYER: This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to call for the records pertaining to the issue of decreetal and fair order dated 24.11.2025 made in E.A. No.2 of 2025 in E.P. No.387 of 2024 in R.C.O.P. No.675 of 2017 on the file of XV Small Causes at Chennai under Section 5 of the Limitation Act to condone the delay of 340 days in filing the set aside application and to call for the records pertaining to the issue of decreetal and fair order dated 24.11.2025 made in E.A. No.3 of 2025 in E.P. No.387 of 2024 in R.C.O.P. No.675 of 2017 on the file of XV Small Causes at Chennai under ORDER XXI Rule 106 of CPC to set aside the exparte order.



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For Petitioner : Mr.D.Ashok Kumar in both CRPs

For Respondents : Mr.V.Manoharan, for R1, R2 and R4
in both CRPs

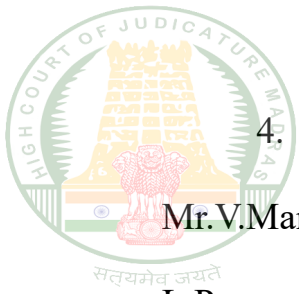
Mr.P.G.Kumaraguru for R3 in both CRPs

COMMON ORDER

The Revision petitioner is a tenant. CRP. No.330 of 2026 has been filed challenging the order in E.A. No.3 of 2025 and CRP. No.6601 of 2025 filed challenging the order in E.A. No.2 of 2025.

2.I have heard Mr.D.Ashok Kumar, learned counsel for the petitioner/tenant and Mr.P.G.Kumaraguru, learned counsel for the third respondent in both the revision and Mr.V.Manoharan, learned counsel for the respondents 1, 2 and 4 in both the revisions.

3. Mr.D.Ashok Kumar, learned counsel for the petitioner states that the Executing Court has adopted a hyper-technical approach in dismissing the Applications to condone delay and to set aside the exparte order passed in the Execution Petition on 05.08.2024. It is the specific case of the petitioner that the service of notice on the petitioner is defective and in the absence of proper service of notice, the Court below ought to have thought it necessary to afford an opportunity to the petitioner to contest the Execution Petition on merits.



4. Per contra, the learned counsel appearing for the respondent

Mr.V.Manoharan, would state that the respondent's is predecessor in interest,

L.Panneer Selvam had filed RCOP. No.675 of 2017 for eviction on the ground of own use and occupation and eviction was ordered as early as on 30.09.2019, by the XV Court of Small Causes/Rent Controller, after contest. The appeal preferred by the tenant in R.C.A. No.423 of 2019 was dismissed on 03.11.2023, pursuant to which, the respondent had filed E.P. No.387 of 2024. In the said EP, notice was very much served on the staff of the petitioner's Company and rightly, the petitioner was set exparte and therefore, there is no error committed by the Executing Court in dismissing the Applications. He would also state as of 11.02.2026, the petitioner is in huge arrears of rent i.e., Rs.38,56,930/-.

5. I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the orders passed by the learned Judge, XV Court of Small Causes, dismissing the Applications for condonation of delay and set aside the exparte order.

6. On perusal of the records, the Executing Court has found that the notice was taken to the tenanted premises and was duly served at the correct address of the petitioner. The petitioner being a Company, the Court has also found that the receipt of notice by staff of the Petitioner Company is in order and would amount to valid service. The Rent Controller has also found that it is



only the staff of the petitioner who even deposed at trial before the Registrar

Controller. Curiously, I find that the petitioner is attempting to ride two horses.

In one breath, he claims that there has been no proper service of notice and in another breath, he claims, he was hospitalized and was advised bed rest and therefore, because of illness, he could not approach the Court in time. If it was the categorical case of the petitioner that there was no proper or valid service of notice, then, it was not at all necessary for the petitioner to justify the delay on his part. Therefore, the conduct of the petitioner is abundantly clear that he is only trying to invent reasons for delaying and protracting the proceedings, in order to continue to stay in possession of the tenanted premises, despite suffering concurrent orders of eviction.

7. I do not see any merit in the revision petitions. Accordingly, these Civil Revision Petitions are **dismissed**. The learned Executing Court shall dispose of the Execution Petition, if pending, on merits and in accordance with law within a period of four (4) weeks from the date of receipt of the copy of the order. Consequently, connected Miscellaneous Petitions are also dismissed. No costs.

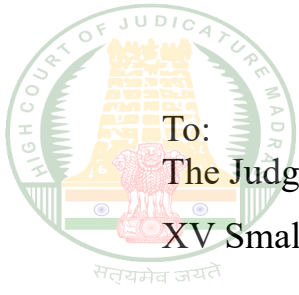
20.02.2026

rkp

Neutral Citation Case : Yes/No

Internet: Yes/No

Index : Yes/No



To:
The Judge,
XV Small Causes at Chennai



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P.B.BALAJI, J.,

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Pre-delivery order in
CRP. Nos.6601 of 2025 and 330 of 2026
and CMP. Nos.32700 of 2025 and 1783 of 2026

20.02.2026