



C.R.P(MD)No.1160 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1160 of 2023

and

C.M.P(MD)No.5597 of 2023

F.Anwar Johan

... Petitioner/Appellant/
Respondent/Tenant

Vs.

1.P.K.Premnath

2.P.K.Amarnath

... Respondents/Respondents/
Landlords

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, to set aside the impugned fair and decreetal order passed by the learned Rent Controller Appellate Authority/Principal Subordinate Judge, Madurai, dated 18.11.2022 in R.C.A.No.9 of 2021 by confirming the fair and decreetal order passed by the learned Rent Controller/Additional District Munsif, Madurai Town dated 11.12.2020 in R.C.O.P.No.244 of 2013.

For Petitioner : Mr.R.Rajamohan

For Respondents : Mr.M.V.R.Sriram



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ORDER

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The petitioner is the unsuccessful tenant in R.C.O.P.No.244 of 2013 filed by the respondents before the Additional District Munsif Court, Maduai, which came to be decreed on 11.12.2020. Aggrieved by the same, the petitioner had filed further appeal in R.C.A.No.9 of 2021 before the Principal Sub Court, Madurai, which came to be dismissed on 18.11.2022. Meanwhile, the respondents/landlords filed E.P.No.35 of 2021, which is pending before the Additional District Munsif Court, Madurai. It is informed that the delivery is to be made by the petitioner by 09.06.2023.

2. The learned counsel for the petitioner submits that the petitioner is running a battery shop in the premises for more than 15 years and therefore, the petitioner seeks six months time for vacating the same as the petitioner will have to identify an alternate location and inform the customers, who have known the petitioner at the said premises. It is submitted that the petitioner is willing to pay the enhanced rent for the extended period.

3. Per contra, the learned counsel for the respondents on the other



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hand submits that the R.C.O.P. is of the year 2013 and despite the same, the petitioner dragged on the proceedings, which finally decided in favour of the respondent on 11.12.2020, which has been affirmed by the Principal Sub Court, Madurai in R.C.A.No.9 of 2021 on 18.11.2022. It is submitted that the time may be given to the petitioner till 30.06.2023. Hence, prayed for the present civil revision petition to be dismissed.

4. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondent.

5. Considering the difficulties expressed by the petitioner, one last opportunity is given to the petitioner to vacate the premises by 31.07.2023. The E.P. proceedings initiated by the respondent shall be kept in abeyance till 31.07.2023.

6. The present Civil Revision Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

NCC : Yes / No
Index : Yes / No



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Internet : Yes / No

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Note: Issue order copy on 28.04.2023

To

- 1.The Rent Controller Appellate Authority/
Principal Subordinate Judge, Madurai.
- 2.The learned Rent Controller/
Additional District Munsif, Madurai
- 3.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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