

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.1797 of 2014 &

M.P.Nos.1 of 2014 & 1 of 2015

Narendra Kumar

... Petitioner

v.

1.Manavalan

2.M.Ramani Ammal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records and set aside the order partly allowing the appeal regarding owner occupation alone dated 13.02.2014 passed by the Hon'ble VIII Judge, Court of Small Causes, Chennai in R.C.A.No.498 of 2012 reversing the order dated 04.07.2012 passed by the XII Judge, Court of Small Causes, Chennai in R.C.O.P.No.1554 of 2010 of 2010.

For Petitioner : Mr. R.Thiagarajan, Sr. Counsel

For Respondents : Mr. K.R.Munusamy

ORDER

Challenging the judgment and decree passed in R.C.A.No.498 of 2012 on the file of VIII Judge, Court of Small Causes, Chennai, reversing the order passed in R.C.O.P.No.1554 of 2010, on the file of XII Judge, Court of Small Causes, Chennai, the tenant has filed the above Civil Revision Petition.

2. The Rent Controller as well as the Rent Control Appellate Authority ordered eviction on the ground of willful default. Aggrieved over the same, the tenant has filed the above Civil Revision Petition.

3. When the matter was taken up for hearing, Mr. R.Thiagarajan, learned Senior Counsel appearing for the petitioner submitted that the petitioner-tenant is agreeing to vacate the premises and hand over vacant possession to the respondents-landlords on or before 31.01.2016. Further, the learned Senior Counsel submitted that the petitioner-tenant shall pay the arrears of rent after deducting a sum of Rs.1,65,000/- [Rs.1,15,000/- towards the advance paid by the tenant and a sum of Rs.50,000/- towards the goodwill]. The learned Senior Counsel also submitted that as on 31.01.2016, the petitioner is liable to pay a sum of Rs.1,68,984/- after deducting a sum of Rs.1,65,000/- as stated above.

4. The petitioner-tenant also filed an affidavit of undertaking dated 19.12.2015 before this court. In paragraph No.3 of the affidavit, the tenant has agreed to vacate the shop portion and handover the vacant possession to the respondent-landlord on or before 31.01.2016

5. Mr.K.R.Munusamy, learned counsel appearing for the respondents-landlords also agreed for the proposals made by the learned counsel appearing for the petitioner.

6. Having regard to the submissions made by the learned counsel on either side, I grant time to the petitioner-tenant till 31.01.2016 for vacating and handing over vacant possession of the petition premises to the respondents-landlords without driving them to initiate execution proceeding. The affidavit of undertaking dated 19.12.2015 shall form part of the record. As stated above, the petitioner-tenant shall pay a sum of Rs.1,68,984/- to the respondents-landlords, at the time of vacating the premises.

With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

22.12.2015

Index : Yes/No  
Rj

M. DURAISWAMY,J.,

Rj

To

1. The VIII Judge,  
Court of Small Causes,  
Chennai
2. The XII Judge,  
Court of Small Causes,  
Chennai,

C.R.P.(NPD)No.1797 of 2014 &  
M.P.Nos.1 of 2014 & 1 of 2015

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