

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1509 of 2015
and M.P.No.1 of 2015

K.N. Sundhir

..... Petitioner

vs

Jegabar (died)

1. Avuliya Mohammed
2. Sheik Dawood

.... Respondents

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1963 against the order and decreetal order dated 18.11.2014 made in R.C.A.No.4 of 2011 on the file of Rent Control Appellate Authority/Subordinate Judge, Mannargudi, confirming the fair and decreetal order dated 28.03.2011 made in R.C.O.P.No.18 of 2004 on the file of Rent Controller/District Munsif, Thiruthuraipoondi.

For Petitioner : Mr.M. Balasubramanian

For respondents : Mr.A. Muthukumar for
Mr.S. Sathiamurthi

ORDER

Challenging the judgment and decree passed in R.C.A.No.4 of 2011 on the file of Rent Control Appellate Authority/Subordinate Judge, Mannargudi, confirming the fair and decreetal order dated 28.03.2011 made in R.C.O.P.No.18 of 2004 on the file of Rent Controller/District Munsif, Thiruthuraipoondi, the tenant has filed the above Civil Revision Petition.

2. The respondents/landlords have filed a petition in R.C.O.P.No.18 of 2004, for eviction, on the ground of own use and occupation. Both the Courts below concurrently ordered eviction against the revision petitioner/tenant.

3. When the matter is taken up of for hearing, the learned counsel appearing for the petitioner/tenant submitted that the tenant is willing to vacate the petition premises, which is the ground floor portion and also the first floor portion, within one year from today. To this effect, the petitioner has also filed an affidavit of undertaking, wherein, in paragraph-2, he has stated as follows:

" 2. I respectfully submit that the respondent herein filed two R.C.O.Ps for eviction of the ground

floor and first floor in my occupation. I have succeeded in the eviction petition filed against me in the first floor tenancy and the eviction has been ordered in respect of ground floor alone. Now I have agreed to vacate both the ground and first floor provided the respondents/landlords may grant one year time to vacate. The respondents/landlords also agreed for the same. Hence, I am filing this affidavit of undertaking in the above Civil Revision Petition."

4. The affidavit of undertaking, filed by the petitioner, is recorded.
5. While confirming the order of eviction, passed by the Courts below, the petitioner is granted one year time, from today, for vacating and delivering vacant possession of the petition property along with the first floor to the respondents/landlords, without driving them to initiate the execution proceedings.
6. It is made clear that the petitioner/tenant shall continue to pay the monthly rent, without any default, to the respondents/landlords, till he vacates and hand over the vacant possession.

M.DURAISWAMY,J.,

sr

7. With the above observaiton, the Civil Revision Petition is dismissed. No costs. Consequently, the connected MP is closed.

15-07-2015

sr

Index:yno
website:yes
To

1. The Subordinate Judge,/Rent Control Appeallate Authority, Mannargudi
2. The District Munsif/Rent Controller, Thiruthuraipoondi

C.R.P.(PD)No.1509 of 2015

10-07-2015