IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2086 of 2015 &
M.P.No.1 of 2015

C.H.Lok Kumar ... Petitioner

v.

M.Kamalanatha Mudaliar ... Respondent

Civil Revision Petition filed under section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 18/1960 as amended by Act 23/1973 and Act 1 of 1980 against the judgment and decree dated 5.11.2014 passed in RCA No.508 of 2007 passed by the learned VII Judge (Rent Control Appelalte Authroity) Court of Small Causes, Chennai by erroneously confirming the judgment and decree dated 29.6.2007 passed by the learned XI Judge, Court of Small Causes, Chennai in RCOP No.1975 of 2004 under section 14(i) (b) of the Act.

For Petitioner : Mr.K.P.Ashok

For Respondent : Mr.P.Gunaraj

O R D E R

Challenging the concurrent findings of the courts below ordering eviction on the ground of demolition and reconstruction, the third respondent in RCOP No.1975 of 2004 on the file of XI Judge, Court of Small Causes, Chennai, has filed the above Civil Revision Petition.

2. The courts below, concurrently held that the petition premises requires demolition and reconstruction and ordered eviction. Challenging the order of eviction, the tenant has filed the above Civil Revision Petition.

3. When the matter is taken up for hearing today, Mr.K.P.Ashok, learned counsel appearing for the revision petitioner submitted that the petitioner-tenant is willing to vacate the petition premises in 18 months time and also submitted that the tenant would file an affidavit of undertaking to that effect before this court, within a stipulated time.

4. Mr.P.Gunaraj, learned counsel appearing for the respondent submitted that the respondent-landlord has no objection for granting 18 months time.

5. Having regard to the submission made by the learned counsel on either side, while confirming the order of eviction granted by the courts below, I grant 18 months time to the revision petitioner-tenant to vacate and hand over vacant possession of the petition premises to the respondent-landlord. The revision petitioner-tenant is directed to file an affidavit of undertaking to that effect on or before 11.6.2015 before the Registry. It is made clear that the revision petitioner shall vacate and hand over possession of the petition premises to the respondent/landlord in 18 months time without driving him to initiate execution proceedings.

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

05.06.2015

Index : No
Internet : Yes

Rj

To

1. VII Judge (Rent Control Appellate Authority),
Court of Small Causes, Chennai .

2. XI Judge,
Court of Small Causes, Chennai

M. DURAISWAMY,J.,

Rj

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