

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.11.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.3188 of 2014 &

M.P.Nos.1 & 2 of 2014

U.Srihari

... Petitioner

v.

V.Sankaran

... Respondent

Civil Revision Petition filed under section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act to set aside the order dated 09.04.2014 passed in R.C.A.No.384 of 2009 on the file of VII Small Causes Court, Chennai confirming the order dated 22.07.2009 in R.C.O.P.No.2182 of 2008 passed by XIV Judge, Small Causes Court, Chennai.

For Petitioner : Mr.G.Suryanarayanan

For Respondents : Mr.V.M.G.Ramakrishnan

O R D E R

Challenging the judgment and decree passed in R.C.A.No.384 of 2009 on the file of VII Judge, Court of Small Causes, Chennai, confirming the order passed in R.C.O.P.No.2182 of 2008 on the file of XIV Judge, Court

of Small Causes, Chennai, the tenant has filed the above Civil Revision Petition.

2. The respondent-landlord has filed the R.C.O.P.No.2182 of 2008 for eviction on the ground of willful default and owner's occupation.

3. The courts below, ordered eviction on the ground of owner's occupation alone.

4. Aggrieved over the same, the tenant has filed the above Civil Revision Petition.

5 When the matter is taken up for hearing, the learned counsel appearing for the petitioner-tenant submitted that the tenant is willing to vacate the premises on or before 30.06.2017 and to that effect, the petitioner-tenant also filed an affidavit of undertaking dated 10.11.2016 before this court today. Further, the learned counsel appearing for the petitioner submitted that the petitioner-tenant had paid arrears of rent upto 31.12.2016 and continue to pay the monthly rents without any default till she vacate and handover vacant possession on or before 30.06.2017.

6. The learned counsel appearing for the respondent-landlord has no

objection for granting time till 30.06.2017. The learned counsel also admitted that the tenant had paid the rent upto 31.12.2016.

7. The undertaking given by the petitioner-tenant is recorded and the affidavit of undertaking filed before this court today shall form part of the record.

8. In view of the submissions made by the learned counsel on either side, the order of eviction granted by the courts below are confirmed. The petitioner-tenant is granted time till 30.06.2017 to vacate and hand over vacant possession of the petition premises to the respondent-landlord without driving him to initiate execution proceedings. It is also made clear that the petitioner-tenant shall continue to pay the monthly rents without any default to the respondent-landlord in his bank account till she vacate and handover vacant possession.

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

Index : Yes/No

15.11.2016

Rj

M. DURAISWAMY,J.,

To

1. The VII Judge,
Small Causes Court,
Chennai
2. The XIV Judge,
Small Causes Court,
Chennai.

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