

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.3341 of 2014
and M.P.No.1 of 2014

E.S.Charley

... Petitioner

Vs.

V.Selvaraj

... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18/60 as amended by Act 23 of 1973 against the order and decree dated 02.07.2014 passed in R.C.A.No.415 of 2011 on the file of VII Judge (Appellate Judge), Court of Small Causes, Chennai confirming the decree and order of eviction passed in R.C.O.P.No.1839 of 2008 dated 20.06.2011 on the file of XV Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.C.Rajan

For Respondent : Mr.S.Balasubramanian

ORDER

Challenging the order of eviction granted in R.C.O.P.No.1839 of 2008 dated 20.06.2011 on the file of XV Judge, Court of Small Causes, Chennai,

confirmed by the Rent Control Appellate Authority/VII Judge, Court of Small Causes, Chennai in R.C.A.No.415 of 2011, the tenant has filed the above Civil Revision Petition.

2. When the matter is taken up for hearing today, the learned counsel on either side filed a joint memo stating that the parties had entered into compromise, whereby the tenant agreed to vacate and hand over vacant possession of the shop portion of the petition premises to the respondent/landlord on or before 31.03.2016. The respondent/landlord agreed to return the advance amount of Rs.2,75,000/- to the tenant, after adjusting the future rent from January 2016 to till the date of vacating the premises. The petitioner/tenant filed an affidavit of undertaking wherein in paragraph no.2, he has stated as follows:

“2. In view of the compromise reached between, myself and the respondent herein, I undertake to vacate and deliver vacant possession of the petition shop as described in RCOP NO.1839/08, ON OR before 31.3.2016, without any further proceedings subject to the condition that the respondent/landlord return the advance of RS.2,75,000/- After adjusting the rent due from Jan. 2016 till the date of vacating, ie,. on or before 31.3.2016.”

3. In view of the undertaking given by the petitioner, the order of

eviction ordered by the Courts below are confirmed. The petitioner/tenant is granted time till 31.03.2016 to vacate the premises. The respondent/landlord shall return the advance amount of Rs.2,75,000/- (Two lakhs seventy five thousand only) after adjusting the rent due from January 2016 till the date the tenant vacating the premises. The affidavit of undertaking shall form part of the record.

4.The Civil Revision Petition is dismissed with the above observation.

No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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27.01.2016

To

1.The VII Judge (Appellate Judge),
Court of Small Causes,
Chennai.

2.The XV Judge,
Court of Small Causes,
Chennai.

M.DURAI SWAMY, J.

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27.01.2016