

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.03.2016

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THE HONOURABLE DR. JUSTICE. **S.VIMALA**

CRP (NPD)No.1937 of 2015
and
M.P.Nos.1 to 3 of 2015

D.Lakshmanan ... Petitioner

..Vs..

Velupillai ... Respondent

Prayer:- Revision Petition is filed under Article 227 of the Constitution of India, against the order and decretal order dated 02.02.2015, passed by Subordinate Judge, Chidambaram in R.C.A.No.8/2014, confirming the order and decretal order dated 1.3.2014 passed by the Principal District Munsif, Chidambaram, in R.C.O.P.No.9 of 2012.

For Petitioner : Mr.A.Thiyagarajan
For Respondent : Mr.R.Venkatacalapathy

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ORDER

Today, when this matter is taken up for hearing, the learned counsel for the revision petitioner has filed a Memo dated 17.03.2016, which fructified after persuasion and negotiation between the parties which reads as under:

"1. It is submitted that petitioner assured before this Hon'ble Court that he will make payment of the entire arrears of rent.

2. It is submitted that the respondent filed a calculation memo before this Hon'ble Court showing that the petitioner is having balance due of Rs.6,16,500/-

3. It is submitted though there is an error in the calculation of rental arrears, pending clarification, the petitioner as assured this Hon'ble Court is making payment of rental arrears as follows:

- | | |
|---|--------------------|
| <i>1. Syndicate Bank, Chidambaram .</i> | |
| <i>D.D.No.047096</i> | <i>Rs.20,000</i> |
| <i>2. Tamilnadu Mercantile Bank Ltd.,</i> | |
| <i>Chidambaram D.D.No.719018</i> | <i>Rs.1,00,000</i> |
| <i>3. Tamilnadu Mercantile Bank Ltd.,</i> | |
| <i>Chidambaram D.D.No.719019</i> | <i>Rs. 35,000</i> |

.....

Rs.3,35,000

*As per the Calculation Memo the
amount deposited in the Court
on 06.09.2012*

Rs.2,81,500

	
	Rs.3,35,000
	Rs.2,81,500
Total	
	Rs.6,16,500

4. It is submitted that the 'No Objection' of the petitioner may please be recorded for withdrawal of the amount Rs.2,81,500/- which was deposited by the respondent before the trial Court at this convenience.

5. It is further submitted by the petitioner that he hereby assures regular payment of rent at the rate of Rs.500/- per day without fail and undertakes to vacate the shop on 01.04.2017.

In the above circumstances, it is humbly prayed that this Court may be pleased to record this memo and grant 12 months of time from 01.04.2016 to vacate the shop and thus render justice."

2. The learned counsel for the respondent accepted the terms of the Memo to be correct and agreed for the terms.

3. The learned counsel for the revision petitioner/tenant gave an undertaking before this Court that he would continue to pay the future rent without any default.

S.VIMALA.J

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3. Recording the submission made by the learned counsel for the revision petitioner and also recording the Memo filed by the revision petitioner, this Civil Revision Petition is ordered in terms of Memo filed by the revision petitioner and the Memo shall form part of the order.

3.1. However, it is made clear that if the tenant do not vacate the property as agreed to in the Memo, it is open to the decree holder to prosecute the Execution Petition in E.P.No.2 of 2014 and Execution Application in E.A.No.2 of 2016, which is pending before the Executing Court. No costs. Consequently, connected Miscellaneous Petition is closed.

17.03.2016

Index : Yes/No
Internet: Yes/No
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To

1. The Subordinate Judge, Chidambaram
2. The Principal District Munsif, Chidambaram

CRP (NPD)No.1937 of 2015

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17.03.2016

03.07.2013