

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)Nos.2050 and 2369 of 2015
and M.P.Nos.1 of 2015 (2 in Nos.)

C.A. Rajendran ... Petitioner in CRP No.2050/2015

Mrs.D. Santhakumari ... Petitioner in CRP No.2369/2015

vs

S. Natarajan ... Respondent in both the revision petitions

Civil Revision Petition in CRP (NPD) No.2050/2015 filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 23 of 1973, Act 1 of 1980 (as amended) as against the judgment and decree dated 09.01.2015 made in RCA No.649/2013 on the file of VII Judge, Court of Small Causes(Rent Control Appellate Authority) at Chennai, confirming the order and decree dated 24.10.2013 made in R.C.O.P.No.1039 of 2012 on the file of XVI Judge, Court of Small Causes, Chennai.

Civil Revision Petition in CRP (NPD) No.2369/2015 filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 23 of 1973, Act 1 of 1980 (as amended) as against the judgment and decree dated 09.01.2015 made in RCA No.650/2013 on the file of VII Judge, Court of Small Causes,(Rent Control Appellate Authority) at Chennai, confirming the order and decree dated 24.10.2013 made in R.C.O.P.No.1040 of 2012 on the file of XVI Judge, Court of Small Causes, Chennai.

For Petitioner in
CRP No.2050/15 : M/s Kumar and Baskar

For petitioner in
CRP No.2369/15 : Mr.T. Dhanasekaran

For respondent : Mr.C.S.Kiran

COMMON ORDER

Challenging the Judgment and Decree passed in R.C.A.No.649/2013 on the file of VII Judge, Court of Small Causes, Chennai, confirming the order passed in R.C.O.P.No.1039 of 2012 on the file of XVI Judge, Court of Small Causes, Chennai, the tenant has filed the Civil Revision Petition in CRP No.2050/2015.

2. Civil Revision Petition in CRP No.2369/2015 has been filed by the tenant, challenging the judgment and decree passed in RCA No.650/2013 on the file of VII Judge, Court of Small Causes, Chennai, confirming the order passed in R.C.O.P.No.1040 of 2012 on the file of XVI Judge, Court of Small Causes, Chennai.

3. The respondent/landlord has filed the Rent Control Original Petitions in RCOP Nos.1039 and 1040 of 2012 for eviction on the ground of additional accommodation. The Courts below concurrently ordered eviction on the ground of own use and occupation. Aggrieved over the same, the tenants have filed the above Civil Revision Petitions.

4. When the matters were taken up for hearing, the learned respective counsels, appearing for the revision petitioners/tenants, submitted that the tenants are willing to vacate the premises on or before 31.03.2017. The petitioners also filed affidavits of undertaking dated 23.08.2016 and 24.08.2016 to that effect.

5. In the affidavits of undertaking, the petitioners have given an undertaking that they will vacate the petition premises on

31.03.2017 and hand over the vacant possession to the respondent/landlord. The petitioners have given an undertaking that if they failed to pay the monthly rents or vacate the premises, the respondent/landlord is at liberty to evict the petitioners without initiating any execution proceedings.

6. The affidavits of undertaking, filed by the petitioners, are taken on record. In view of the submissions made by the learned counsels, appearing for the petitioners and the affidavits of undertaking, filed before this Court, the order of eviction, passed by the Courts below, are confirmed and both the Civil Revision Petitions are dismissed. The petitioners are granted time till 31.03.2017 to vacate and hand over the vacant possession of the petition premises to the respondent/landlord without driving him to initiate the execution proceedings. No costs. Consequently, connected MPs are closed.

24-08-2016

sr

Index:no
website:yes

To

1. The VII Judge, Court of Small Causes, Chennai
2. The XVI Judge, Court of Small Causes, Chennai.

M. DURAISWAMY,J.,

sr

C.R.P.(NPD)Nos.2050 and
2369 of 2015

24-08-2016