

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2281 of 2015 &

M.P.No. 1 of 2015 &

C.M.P.Nos.402 of 2016

M.Byravanatha Boopathy

... Petitioner

v.

M.Manavalan

... Respondent

Civil Revision Petition filed under section 25(1) of Tamil Nadu Buildings (Lease and Rent Control) Act 1960 to set aside the order and decreetal order dated 27.02.2015 passed in R.C.A. No.674 of 2014 on the file of VII Judge, Small Causes Court , Chennai and confirming the order and decreetal order dated 18.09.2014 passed in R.C.O.P. No.1049 of 2013 on the file of X Judge, Small Causes Court, Chennai.

For Petitioner : Mr.V.K.Rajagopalan

For Respondents : Mr. K.S.Madhavan

ORDER

Challenging the order of eviction passed in R.C.A. No.674 of 2014 on the file of VII Judge (Rent Control Appellate Authority), Court of Small Causes, Chennai, confirming the order passed in R.C.O.P. No.1049 of 2013 on the file of X Judge (Rent Controller), Small Causes Court, Chennai, the tenant has filed the above Civil Revision Petition.

2. The respondent-landlord filed the Original Petition in R.C.O.P. No. 1049 of 2013 for eviction on the ground of additional accommodation.

3. The courts below, concurrently ordered eviction as against the tenant. Challenging the order of eviction, the tenant has filed the above Civil Revision Petition.

4. When the matter is taken up for hearing today, Mr.V.K.Rajagopalan, learned counsel appearing for the petitioner-tenant submitted that the petitioner-tenant may be granted time till 30.06.2016 to vacate and hand over vacant possession to the respondent-landlord and in such an event, the order of eviction granted by the courts below may be confirmed. The learned counsel also submitted that the petitioner-tenant would file an affidavit of undertaking to that effect before this court, within a

stipulated time.

5. Mr.K.S.Madhavan, learned counsel appearing for the respondent-landlord also agreed for the proposals made by the learned counsel appearing for the petitioner.

6. Having regard to the submissions made by the learned counsel on either side, while confirming the order of eviction granted by the courts below, I grant time to the petitioner-tenant till 30.06.2016 to vacate and hand over vacant possession of the petition premises to the respondent-landlord without driving him to initiate execution proceedings. The petitioner-tenant is directed to file an affidavit of undertaking to that effect on or before 04.02.2016 before the Registry and the same shall form part of the record. The respondent-landlord agreed to return the lease amount to the petitioner-tenant at the time of petitioner-tenant vacating the premises. The petitioner-tenant shall pay the electricity and other amenity charges till the date of vacating the premises.

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

28.01.2016

Index : Yes/No
Rj

To

1. The VII Judge,
Small Causes Court ,
Chennai
- 2.The X Judge,
Small Causes Court,
Chennai.

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