

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).No.4906 of 2014
and M.P.No.1 of 2014

P.Nagarathinam

... Petitioner

Vs.

K.A.Habeeb Rahiman

... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18/1960 against the order passed in R.C.A.No.28 of 2008 dated 25.09.2014 on the file of the IX Judge, Small Causes Court, Chennai confirming the order dated 20.12.2007 passed in R.C.O.P.No.1740 of 2005 on the file of the X Judge, Small Causes Court, Chennai.

For Petitioner : Mr.V.Manohar

For Respondent : Mr.Asif Ali

ORDER

Challenging the fair and final order passed in R.C.A.No.28 of 2008 on the file of the IX Judge, Court of Small Causes, Chennai confirming the order passed in R.C.O.P.No.1740 of 2005 on the file of the X Judge, Court of Small Causes, Chennai, the tenant has filed the above Civil Revision Petition.

2.The Courts below have concurrently ordered eviction against the revision petitioner.

3.When the matter was taken up for hearing on 17.11.2016, the learned counsel appearing for the petitioner submitted that the tenant is willing to vacate the premises in a year's time. For filing the affidavit of undertaking to that effect, the matter was adjourned to today (i.e.) 21.11.2016.

4.When the matter is taken up for hearing today, Mr.V.Manohar, learned counsel appearing for the petitioner submitted that the revision petitioner viz., Mrs.P.Nagarathinam is suffering from ailments and therefore, she is not in a position to swear and sign in the affidavit of undertaking before this Court. Further, the learned counsel submitted that her son viz., P.Ramapandian is filing an affidavit of undertaking before this Court today. That apart, the learned counsel also submitted that the said P.Ramapandian is in actual possession of the property, running a Silver Utensil Shop in the premises. In the affidavit of undertaking dated 21.11.2016, the petitioner sought a year's time (i.e.) upto 20.11.2017 to vacate and handover vacant possession of the premises.

5.The said P.Ramapandian is present in the Court and on instructions, the learned counsel appearing for the petitioner/tenant submitted that he will not file any application in the event of an Execution Petition is being filed by the respondent/landlord for delivery of possession.

6.The learned counsel appearing for the respondent/landlord, on instructions from the respondent/landlord, who is also present in the Court, submitted that the respondent/landlord has no objection for accepting the affidavit of undertaking filed by the said P.Ramapandian.

7.In view of the submissions made by the learned counsel on either side, I accept the affidavit of undertaking filed by P.Ramapandian on behalf of the revision petitioner. The affidavit of undertaking shall form part of the record.

8.Having regard to the submissions made by the learned counsel on either side, I confirm the order of eviction passed by the Courts below. The Civil Revision Petition stands dismissed.

9.The petitioner/tenant is granted time till 20.11.2017 to vacate and handover vacant possession of the petition premises to the respondent/ landlord without driving him to initiate execution proceedings. It is also made clear that the son of the petitioner viz., P.Ramapandian shall not file any application before the Executing Court to circumvent the delivery of possession. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

21.11.2016

To

1.The IX Judge,
Small Causes Court,
Chennai.

2.The X Judge,
Small Causes Court,
Chennai.

M.DURAIWAMY,J.
va

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