

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No.282 of 2015
and MP No.1 of 2015

A. Erali

... Petitioner

vs

Tmt. Amudha Kandasamy

... Respondent

(Sole respondent substituted
vide order of Court dt.09.11.2016
made in M.P.No.3/2015 in CRP No.
282/2015)

Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 1960 against the judgment and decree dated 5.11.2014 in RCA No.820 of 2007 on the file of IX Judge, Court of Small Causes, Chennai reversing the judgment and decree dated 28.11.2007 in RCOP No.1210/2000 on the file of XV Judge, Court of Small Causes, Chennai.

For Petitioner	:	Mr.M.M. Abdul Razack
For respondent	:	Mr.R. Krishnamoorthy Senior Counsel for Mr.G.R.M. Palaniappan

ORDER

The above Civil Revision Petition has been filed by the tenant, challenging the Judgment and Decree passed in R.C.A. No.820 of 2007 on the file of IX Judge, Court of Small Causes, Chennai, reversing the order passed in R.C.O.P No.1210 of 2000 on the file of XV Judge, Court of Small Causes, Chennai.

2. The respondent/landlord filed Rent Control Original Petition in R.C.O.P No.1210 of 2000 for eviction under Sections 10(2)(ii), 10(2)(ii)(b) and 10(3)(a)(i) of the Tamil Nadu Buildings (Lease and Rent Control) Act. The Rent Controller dismissed the petition, against which, the landlord filed an appeal in R.C.A.No.820 of 2007. So far as the Act of waste is concerned, the Rent Control Appellate Authority, ordered eviction, against which, the tenant has filed the above Civil Revision Petition.

3. Heard Mr.M.M. Abdul Razack, learned counsel appearing for the petitioner/tenant and Mr.R. Krishnamoorthy, learned Senior Counsel appearing for the respondent/landlord.

4. When the Civil Revision Petition is taken up for hearing, the learned counsel, appearing for the petitioner/tenant, submitted that the tenant is willing to vacate the premises on or before 07.02.2017 and to that effect, the petitioner has filed an Affidavit of Undertaking dated 09.11.2016 before this Court.

5. Mr.R. Krishnamoorthy, learned Senior Counsel, appearing for the respondent/landlord, has no objection for granting time till 07.02.2017 to the petitioner/tenant to vacate and hand over the petition premises to the respondent/landlord.

6. The affidavit of undertaking, filed by the petitioner/tenant is taken on record and it shall form part of the record.

7. Having regard to the submissions made by the learned counsel on either side, the order of eviction, granted by the Rent Control Appellate Authority in R.C.A No.820 of 2007 is confirmed and the Civil Revision Petition stands dismissed. The petitioner/tenant is granted time till 07.02.2017 to vacate and hand over vacant

M. DURAISWAMY,J.,

sr

possession of the petition premises to the respondent/landlord viz.,
Tmt.Amudha Kandasamy, without driving her to initiate execution
proceedings. No costs. Consequently, connected M.P is closed.

09-11-2016

sr

Index:no
website:yes

To

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

CRP(NPD)No.282 of 2015

<http://www.judis.nic.in>