

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.3025 of 2015 &

M.P.No.1 of 2015

Hardcastle & Waud Manufacturing Co Ltd.,
Rep. By MR.Lalu Geogrg
Old No.64, New Door 104
Moore Street
Chennai – 600 001

... Petitioner

v.

1.K.S.Varalakshmi
2.K.S.Vijayarajan
3.K.s.Kothadaraman

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 30.03.2015 passed in R.C.A.No.703 of 2014 on the file of VII Small Causes Court, Chennai.

For Petitioner : Mr.R.Muthukumarasamy, Sr. Counsel
for Mr.K.K.Muralitharan

For Respondents : Mrs.Chitra Sampath, Sr. Counsel
for Mr.P.S.Vasanthakumar

O R D E R

Challenging the judgment and decree passed in R.C.A.No.703 of 2014 on the file of VII Judge, Court of Small Causes, Chennai, confirming the order passed in R.C.O.P.No.751 of 2013 on the file of XVI Judge, court of Small Causes, Chennai, the tenant has filed the above Civil Revision Petition.

2. The respondents-landlords filed R.C.O.P.No.751 of 2013 for eviction on the ground of demolition and reconstruction.

3. After contest, the Rent Controller, ordered eviction.

4. Aggrieved over the same, the tenant preferred an appeal in R.C.A.No.703 of 2014 and the Rent Control Appellate Authority also confirmed the order of eviction and dismissed the appeal.

5. Aggrieved over the concurrent findings of the courts below, the tenant has filed the above Civil Revision Petition.

6. When the Civil Revision Petition was taken up for hearing, Mr.R.Muthukumarasamy, learned Senior Counsel appearing for the petitioner and Mrs.Chitra Sampath, learned Senior Counsel appearing for the respondents submitted that the parties had entered into a compromise and also executed a joint memorandum of compromise dated 21.01.2016. As per the memorandum of compromise, the tenant agreed to vacate and hand over vacant possession of the petition property to the respondents-landlords within six months from today i.e., on or before 21.07.2016 and continue to pay the contractual rent of Rs.22,336/- till they vacate and deliver vacant possession. The respondents-landlords also agreed to grant six months time to the tenant to vacate and handover vacant possession and to receive the contractual rent of Rs.22,336/- per month and waive their right to claim the fair rent fixed by the Rent Controller in R.C.O.P.No.751 of 2013 on the file of XVI Judge, Court of Small Causes, Chennai, by its order dated 04.01.2016.

7. Since the parties had entered into a compromise, joint memorandum of compromise filed before this court today shall form part of the record. The order of eviction granted by the courts below are confirmed. The petitioner-tenant is granted six months time from today. The petitioner-tenant shall vacate and hand over vacant possession of the premises on or before 21.07.2016 and continue to pay the contractual rent of

Rs.22,336/- per month as rent and that they cannot claim the fair rent fixed by the Rent Controller in R.C.O.P.No. 562 of 2013.

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

Index : Yes/No

21.01.2016

Rj

To

The VII Judge,
Small Causes Court,
Chennai.

M. DURAISWAMY,J.,

Rj

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