

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD) No.4960 of 2011

and M.P.No.1 2011 & CMP.No.7944 of 2016

R.Kumarasamy

... Petitioner

vs.

P.L.Sivasamy

... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act, 1960 against the order dated 29.08.2011 made in R.C.A.No.13 of 2009 on the file of the Principal Subordinate Judge and Rent Control Appellate Authority, Coimbatore, reversing the Judgment and decree in R.C.O.P.No.2 of 2006 dated 18.12.2008 on the file of the Rent Controller and I Additional District Munsif, Coimbatore.

For petitioner	: Mr.T.Balaji
For respondent	: Mrs.A.L.Ganthimathi

ORDER

Heard Mr.T.Balaji, learned Counsel appearing for the petitioner and Mrs.A.L.Ganthimathi, learned counsel appearing for the respondent.

2. Challenging the fair and final order passed in R.C.A.No.13 of

2009 on the file of the Rent Control Appellate Authority, Subordinate Court, Coimbatore, reversing the order passed in R.C.O.P.No.2 of 2006 on the file of the Rent Controller, I Additional District Munsif Court, Coimbatore, the tenant has filed the above Civil Revision Petition.

3. The respondent/landlord filed R.C.O.P.No.2 of 2006 for eviction on the ground of willful default and onus occupation. The Rent Controller dismissed the original petition and on appeal, the Rent Control Appellate Authority reversed the order passed by the Rent Controller and ordered eviction. As against the order passed by the Rent Control Appellate Authority, the tenant has filed the above Civil Revision Petition.

4. When the matter is taken up for hearing, the learned counsel appearing for the petitioner/tenant submitted that the tenant/petitioner is willing to vacate the petition premises in three weeks' time. He has also filed an affidavit of undertaking before this Court to that effect. He would further submit that in the affidavit of undertaking, the petitioner/tenant has also stated that he has paid an advance of Rs.5,50,000/- and the respondent/landlord may be directed to return the advance amount after adjusting the rental arrears, if any, to the petitioner/tenant.

5. The learned counsel appearing for the respondent/landlord has

no objection for granting three weeks' time for vacating the petition premises and also for the return of the advance amount after adjusting the rental arrears if any.

6. In view of the submissions made by the learned counsel on either side, the order of eviction granted by the Rent Control Appellate Authority is confirmed. The petitioner/tenant is granted three weeks' time to vacate and handover vacant possession to the respondent/landlord, without driving the respondent/landlord to initiate execution proceedings. The petitioner/tenant is entitled to get back the advance amount after adjusting the rental arrears, if any payable by the tenant to the landlord.

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

23.08.2016

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Note: Issue on 29.08.2016

To

The Principal Subordinate Judge Coimbatore.

The I Additional District Munsif, Coimbatore.

M. DURAISWAMY,J.,

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