

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.04.2016

CORAM

THE HONOURABLE DR. JUSTICE. **S.VIMALA**

CRP (NPD)No.4009 of 2015
and
M.P.No.1 of 2015

1.G.Mohammed Anwardeen

2.G.Mohammed Ansari

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Tenant/Petitioner

..Vs..

Mr.M.A.Segou Ismail Lebbai Maricar ...

Landlord/Petitioner

Prayer:- Revision Petition is filed under Article 227 of the Constitution of India, under Section 25 of the Pondicherry Buildings (Lease and Rent Control) Act, 1969 against the Fair and Decreetal order of the learned Principal District Judge, Pondicherry dated 12.08.2015 made in R.C.A.No.33 of 2011, confirming the order passed by the learned Rent Controller, Pondicherry dated 01.02.2011 made in H.R.C.O.P.No.63 of 2004.

For Petitioners : Mr.R.Subramanian
For Respondents : Mr.K.M.Aasim Shehzad
for M/s.BFS Legal

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ORDER

This Civil Revision Petition has been filed challenging the Fair and Decreetal order of the learned Principal District Judge, Pondicherry dated 12.08.2015 made in R.C.A.No.33 of 2011, confirming the order passed by the learned Rent Controller, Pondicherry dated 01.02.2011 made in H.R.C.O.P.No.63 of 2004, ordering eviction, on the ground of demolition and reconstruction.

2. When the matter is taken up for hearing, the learned counsel for the petitioners/tenants has filed an undertaking affidavit agreeing to vacate the premises on or before 31.12.2016.

3. The learned counsel for the respondent/landlord has submitted that the condition of the building is so bad that it may crumble at any time and if it crumbles, on or before 31.12.2016, the respondent/landlord is not liable either to the tenant or to the persons visiting the premises or to anybody else.

4. Knowing fully well about the dilapidated condition of the building, the tenant has intended to remain there and therefore run

the attendant risk till 31.12.2016.

4.1. Hence, it goes without saying that the petitioners/tenants will be running business in the said premises at their own risk and they are answerable to anybody who is likely to get injured in any manner on account of crumbling down of the building. It is made clear that the landlord will not be answerable to any expected claim to be made by the tenants/third parties, upto 31.12.2016. The tenant shall vacate and handover the possession to the landlord by 31.12.2016.

5. With the above observation, this Civil Revision Petition is closed. Consequently, connected Miscellaneous Petition is closed.

29.04.2016

Index : Yes/No
Internet: Yes/No
arr/ds

To

1. The Principal District Judge, Pondicherry
2. The Rent Controller, Pondicherry

S.VIMALA.J

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