

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No.4047 of 2015
and MP No.1 of 2015

M.V. Balakrishnan
Petitioner

...

vs

G. Sudarshan

.... Respondent

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decretal order dated 11.09.2015 passed in E.A.No.15 of 2013 in E.P.No.312 of 2013 in R.C.O.P No.1119 of 2009 as Execution Court on the file of learned XV Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.K.M. Ramesh

For respondent : Mr.N. Nagu Sah

ORDER

Challenging the order passed in E.A.No.15 of 2013 in E.P.No.312 of 2013 in R.C.O.P No.1119 of 2009 on the file of XV Judge, Court of

Small Causes, Chennai, the tenant has filed the above Civil Revision Petition.

2. When the matter is taken up for hearing, the learned counsel, appearing for the petitioner, submitted that the petitioner/tenant is willing to vacate the premises on or before 30.06.2017.

3. Mr.N. Nagu Sah, learned counsel, appearing for the respondent, submitted that the respondent/landlord has also agreed that time may be granted till 30.06.2017 for vacating the premises.

4. The petitioner/tenant also filed an Affidavit of Undertaking dated 17.10.2016 before this Court today. In Paragraph-2 of the affidavit, the petitioner has undertaken to vacate and hand over the vacant premises of the non residential shop portion to the respondent/landlord on or before 30.06.2017.

5. In view of the affidavit of undertaking, filed by the petitioner, the order passed in E.A.No.15 of 2013 in E.P.No.312 of 2013 stands

confirmed. The Civil Revision Petition is dismissed. The petitioner/tenant is granted time till 30.06.2016 to vacate and hand over vacant possession of the petition premises to the respondent/landlord without driving him to initiate execution proceedings. The Affidavit of Undertaking shall form part of the record.

6. It is brought to the notice of this Court that pursuant to the order passed by this Court in M.P.No.1 of 2014 in M.P.No.1 of 2014 in CRP (NPD)No.3315 of 2014 dated 02.09.2014, the petitioner had deposited a sum of Rs.1,19,079/-(Rupees one lakh nineteen thousand seventy nine only) to the credit of R.C.O.P.No.1119 of 2009 on the file of XV Judge, Court of Small Causes, Chennai.

7. Mr.N. Nagu Sah, learned counsel, appearing for the respondent, submitted that the respondent/landlord may be permitted to withdraw the amount, deposited by the tenant, to the credit of RCOP No.1119 of 2009, pursuant to the order of this Court.

8. The learned counsel, appearing for the petitioner, has no

objection for permitting the respondent to withdraw the said amount.

M. DURAISWAMY,J.,

sr

9. In view of the submissions made by the learned counsel on either side, I permit the respondent/landlord to withdraw the sum of Rs.1,19,079/-(Rupees one lakh nineteen thousand seventy nine only), lying to the credit of R.C.O.P No.1119 of 2009 on the file of XV Judge, Court of Small Causes, Chennai.

18-10-2016

sr

Index:no
website:yes

To

The XV Judge, Court of Small Causes, Chennai.

CRP(NPD)No.4047 of 2015