

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4480 of 2015

1. M/s Ramesh Steel Corporation,
rep by its Proprietor Karanraj Porwal (deceased),
rep by his legal heris
2. Nikita
3. Anand
4. Sapana
5. Kushalchand

.... Petitioners

vs

M. Vallabhdass

.... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 against the judgment and decree dated 14.8.2015 in RCA No.112 of 2010 passed by VII Judge, Court of Small Causes, Chennai against the order and decree dated 16.12.2009 in RCOP No.2104 of 2008 passed by XIII Judge, Court of Small Causes, Chennai.

For Petitioners : M/s Ashok Menon

For Respondent : Mr.P.K. Sivasubramaniam

ORDER

The Civil Revision Petition arises against the judgment and decree passed in R.C.A No.112 of 2010 on the file of VII Judge, Court of Small Causes, Chennai, confirming the order passed in R.C.O.P.No.2104 of 2008 on the file of XIII Judge, Court of Small Causes, Chennai. The tenants are the revision petitioners.

2. The respondent/landlord filed a petition in R.C.O.P.No.2104 of 2008 for eviction under Section 10(3)(a)(ii) of Tamil Nadu Buildings (Lease and Rent Control) Act. It is the case of the landlord that his daughter had purchased Santro Car, bearing Registration No.TN 01-S6126, therefore, he requires the leased out shed for parking the car. It is not in dispute that the tenants are running a business in the said Shed.

3. Before the Rent Controller, on the side of the landlord, P.W.1 was examined and 11 documents Exs.A.1 to A.11 were marked

and on the side of the tenants R.W.1 was marked and 4 documents Exs.R.1 to R.4 were marked.

4. The Rent Controller, after taking into consideration of both the parties, ordered eviction, against which, the tenants preferred an appeal in R.C.A No.112 of 2010 and the Rent Control Appellate Authority also confirmed the order of eviction and dismissed the appeal. Aggrieved over the same, the tenants have filed the above Civil Revision Petition.

5. When the Civil Revision Petition is taken up for hearing Mr.Ashok Menon, learned counsel appearing for the petitioners/tenants submitted that the tenants are willing to vacate the premises on or before 31.08.2016 and file an affidavit of undertaking to that effect before this Court.

6. Mr.P.K. Sivasubramaniam, learned counsel appearing for the respondent/landlord also agreed that time may be granted till 31.8.2016.

7. Having regard to the submissions made by the learned counsel on either side, while confirming the judgment and decree passed by the Courts below, I grant time till 31.8.2016 to the petitioners/tenants for vacating the premises.

8. Accordingly, the Civil Revision Petition is dismissed. No costs.

9. The petitioners/tenants are granted time till 31.8.2016 for vacating the premises and hand over vacant possession to the respondent/landlord without driving him to initiate execution proceedings.

10. The petitioners/tenants shall file an affidavit of undertaking to that effect on or before 12.01.2016 before the Registry and the affidavit of undertaking shall form part of the record.

08-01-2016

sr

Index:no
website:yes

To

1. The VII Judge, Court of Small Causes, Chennai
2. The XIII Judge, Court of Small Causes, Chennai.

M. DURAISWAMY,J.,

sr

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08-1-2016