

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.4532 of 2015
and M.P.No.1 of 2015

G.Jegadeesan

... Petitioner

Vs.

1.S.Sampathkumari

2.S.Hari Govinda Karthikeyan

3.S.Harikadiresan

... Respondents

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the fair and final order dated 21.01.2015 made in R.C.A.No.17 of 2014 on the file of the Principal Subordinate Judge/Rent Control Appellate Tribunal, Salem, confirming the fair and final order dated 22.09.2014 made in R.C.O.P.No.28 of 2012 on the file of the Principal District Munsif Court/Rent Controller, Salem.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.K.Selvaraj

ORDER

Challenging the judgment and decree passed in R.C.A.No.17 of 2014

on the file of the Principal Subordinate Judge/Rent Control Appellate Authority, Salem, confirming the order of eviction granted in R.C.O.P.No.28 of 2012 on the file of the Principal District Munsif Court/Rent Controller, Salem, the tenant has filed the above Civil Revision Petition.

2.The respondents/landlords filed R.C.O.P.No.28 of 2012 for eviction on the ground of willful default and owner's occupation.

3.The Courts below have concurrently ordered eviction of the tenant from the petition premises. Aggrieved over the same, the tenant has filed the above Civil Revision Petition.

4.When the matter is taken up for hearing, Mr.R.Nalliyappan, learned counsel for the petitioner/tenant submitted that the tenant is willing to vacate the premises in eight months time. However, Mr.K.Selvaraj, learned counsel for the respondents/landlords submitted that the petitioner/tenant may be given four months time for vacating and handing over the vacant premises.

5.Since it is brought to the notice of this Court that the petitioner is aged more than 70 years, I am inclined to grant six months time to the

petitioner to vacate and hand over vacant possession to the landlords on condition the petitioner filing an affidavit of undertaking before this Court on or before 12.01.2016. The petitioner shall pay the rent without any default till he hands over the vacant possession to the respondents/ landlords.

6.The petitioner/tenant is granted six months time to vacate and hand over vacant possession of the petition premises to the respondents/ landlords without driving them to initiate Execution Proceedings. The petitioner shall file affidavit of undertaking before the Registry of this Court on or before 12.01.2016 and the petitioner shall pay the rent without any default till he vacates and hands over the vacant possession to the respondents/landlords. The affidavit of undertaking to be filed by the petitioner shall form part of the records.

7.In these circumstances, the judgment and decree passed by the Courts below are confirmed. The Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes

05.01.2016

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M.DURAIWAMY,J.
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To

- 1.The Principal Subordinate Judge/
Rent Control Appellate Tribunal,
Salem.
- 2.The Principal District Munsif Court/
Rent Controller,
Salem.

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