

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.4567 of 2015
and M.P.No.1 of 2015

1.Radha Murali

2.S.J.Murali

... Petitioners

Vs.

1.V.T.Krishnan

2.Revathi Krishnan

... Respondents

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 against the fair and final orders dated 09.09.2015 passed in R.C.A.No.771 of 2014 on the file of the VII Small Causes Court, Chennai confirming the orders dated 03.11.2014 passed in R.C.O.P.No.335 of 2013 on the file of the XII Court of Small Causes, Chennai.

For Petitioners : Mr.J.Pothiraj

For Respondents : Mr.S.Balsubramanian

ORDER

Challenging the judgment and decree passed in R.C.A.No.771 of 2014 on the file of the VII Judge, Court of Small Causes, Chennai, confirming the order of eviction passed in R.C.O.P.No.335 of 2013 on the file of the XII

Judge, Court of Small Causes, Chennai, the tenants have filed the above Civil Revision Petition.

2.The respondents/landlords filed R.C.O.P.No.335 of 2013 for eviction on the ground of own use and occupation. The Rent Controller allowed the Rent Control Original Petition and ordered eviction. Aggrieved over the same, the tenants preferred an appeal in R.C.A.No.771 of 2014 and the Rent Control Appellate Authority also confirmed the order of eviction passed by the Rent Controller. Against the concurrent findings of the Courts below, the tenants filed the above Civil Revision Petition.

3.When the matter is taken up for hearing, the learned counsel appearing for the petitioners/tenants submitted that the tenants are willing to vacate the premises in three months from today and if the said time is granted, the order of eviction granted by the Courts below may be confirmed. The tenants also filed an affidavit of undertaking wherein in paragraph no.3 they have stated as follows:

“3.The petitioners herein state that they are in search of a suitable accommodation in the adjacent place as they are comfortable in the said area and their relatives are also residing in the adjacent places. Therefore, they pray that this Hon'ble Court may be pleased to permit the petitioners to

reside in the Suit property for a period of three months from today and the petitioners undertake to vacate the premises after expiry of three months and hand over vacant possession of the premises to the landlords viz., respondents herein.”

4.The affidavit of undertaking filed by the tenants are taken on record and the same shall form party of the record.

5.In view of the affidavit of undertaking filed by the petitioners, the order of eviction granted in R.C.A.No.771 of 2014 on the file of the VII Judge, Court of Small Causes, Chennai confirming the order of eviction passed in R.C.O.P.No.335 of 2013 on the file of the XII Judge, Court of Small Causes, Chennai stands confirmed. The Civil Revision Petition is dismissed. The petitioners/tenants are granted three months time from today upto 25.04.2016 to vacate and hand over vacant possession to the respondents/ landlords, without driving them to initiate execution proceedings. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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25.01.2016

Note: Issue order copy on 01.02.2016.

M.DURAIWAMY,J.

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To

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

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and M.P.No.1 of 2015**

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