

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).No.4727 of 2015
and M.P.No.1 of 2015

1.Shanthi

2.Pandi Mageswari

3.Pandi Sabareeswari

4.Manikandan Sathyagan

... Petitioners

Vs.

S.Balasundari

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 15.10.2015 made in E.A.SR.No.16797 of 2015 in E.P.No.314 of 2014 in R.C.O.P.No.29 of 2006 on the file of the XVI Small Causes Court, Chennai.

For Petitioners : Mr.N.Manokaran

For Respondent : Mr.G.Rm.Palaniappan

ORDER

Challenging the fair and final order passed in E.A.SR.No.16797 of 2015 in E.P.No.314 of 2014 in R.C.O.P.No.29 of 2006 on the file of the XVI Small Causes Court, Chennai, the Judgment Debtors have filed the above Civil Revision Petition.

2.By order dated 15.10.2015, the Execution Court dismissed the application filed in E.A.SR.No.16797 of 2015 under Section 47 of the Civil Procedure Code.

3.When the matter is taken up for hearing today, the learned counsel appearing for the revision petitioners submitted that the revision petitioners are willing to vacate the premises on or before 10.10.2016 and in such a case, the order passed by the Execution Court in E.A.SR.No.16797 of 2015 can be confirmed. The learned counsel also filed an affidavit of undertaking dated 18.01.2016 sworn to by the 2nd petitioner viz., Pandi Mageswari, who has filed the affidavit of undertaking on her behalf and also on behalf of the other petitioners. In paragraph no.3 of the affidavit of undertaking, the petitioners have stated as follows:

“I submit that pending the above revision petition, we have agreed to vacate and surrender vacant possession to the respondent on or before 10.10.2016 on the basis of the terms agreed that the respondent will not insist for payment of past and future rents by considering the relationship. I submit that the 1st petitioner is my mother, and the petitioners 3 and 4 are my sister and brother respectively, therefore, I, for myself and also on behalf of the other petitioners undertake to vacate the properties under our possession and surrender them to the

respondent herein on or before 10.10.2016 without any default. Hence, we pray this Hon'ble court to dispose of the above CRP No.4727 of 2015 by recording our undertaking that we will vacate the properties on or before 10.10.2016 and surrender possession to the respondent. Further, we undertake that we will not commit breach of this affidavit of undertaking.”

4.The affidavit of undertaking filed by the petitioners is taken on record.

5.In view of the same, the petitioners are granted time till 10.10.2016 for vacating and handing over vacant possession to the respondent landlord without driving her to initiate execution proceedings.

6.With this observation, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

19.01.2016

To

The XVI Small Causes Court,
Chennai.

M.DURAIWAMY,J.
va

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