

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.R.P.(Npd) No.1195 of 2016

Dr.P.G.Gopinath

... Petitioner

Vs.

V.Hariharan

... Respondent

Civil Revision Petition filed under Article 115 of the Civil Procedure Code to set aside the Execution Proceedings in E.A.Sr.No.2367 A of 2016 in E.P.No.1 of 2016 in R.C.O.P.No.31 of 1999 pending on the file of the Court of District Munsif, Ambattur.

For Petitioner : Mr.T.P.Prabakaran

For respondent : Mr.V.Rgavachari

ORDER

This Civil Revision Petition has been filed seeking to set aside the order passed in E.A.Sr.No. of 2016 in E.P.No.1 of 2016 in R.C.O.P.No.31 of 1999, pending on the file of the learned District Munsif, Ambattur.

2. E.P.No.1 of 2016 has been filed by the respondent/Decree holder seeking delivery of possession from the judgement debtor/tenant based on the decree dated 18.10.2005, as confirmed by the order in R.C.A.No.6 of 2005 dated 12.06.2015.

3. At the time of admission, the tenant filed an undertaking affidavit

seeking six months time to vacate the premises. Incidentally, the tenant has asked for return of Rs.30,000/- which was paid for construction of shopping complex; Rs.10,000/- which was paid as advance and Rs.10,000/- towards the expenses incurred for obtaining Electricity connection. It is submitted that the Electricity connection stands in the name of the tenant and the landlord has stated no objection to get the amount returned from TNEB.

4. Therefore, what is due to the tenant is only a sum of Rs.40,000/-. This amount is claimed with interest. In the absence of any agreement to pay the interest, this Court is not inclined to direct the landlord to pay interest. However, it is represented that the Rs.40,000/- has been paid by the landlord to the tenant by this day i.e. 29.04.2016 itself.

5. The undertaking affidavit is recorded. Though six months time is asked for under the stated circumstances, three months time (from 29.04.2016), is granted to the tenant to vacate and handover the possession.

6. This Civil Revision Petition is disposed of accordingly. No costs.

29.04.2016

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Note: Issue order copy by today.

S.VIMALA,J.,

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