

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-08-2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2203 of 2016
and
CMP No.11450 of 2016

Pappayee

.... Petitioner

vs

V.K. Kandan

.... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 against the fair and decreetal order dated 30.01.2015 passed in RCA No.1 of 2014 on the file of Rent Control Appellate Authority, Sankari (Subordinate Court, Sankari), reversing the fair and decreetal order dated 12.08.2013 passed in RCOP No.1 of 2008 on the file of the Rent Controller/District Munsif, Sankari.

For Petitioner : Mr.R. Ezhilarasan

For respondent : Mr.C. Kulanthaivel

ORDER

Challenging the judgment and decree passed in R.C.A.No.1 of 2014 on the file of Rent Control Appellate Authority/Subordinate Court, Sankari, reversing the order passed in R.C.O.P.No.1 of 2008 on the file

of Rent controller/District Munsif Court, Sankari, the tenant has filed the above Civil Revision Petition.

2. The respondent/landlord filed a Rent Control Original Petition in R.C.O.P No.1 of 2008 for eviction on the ground of wilful default. The Rent Controller dismissed the petition. Aggrieved over the same, the landlord preferred an appeal in R.C.A.No.1 of 2014 and the Rent Control Appellate Authority reversed the order passed by the Rent Controller and ordered eviction. Against the judgment and decree, passed by the Rent Control Appellate Authority, the tenant has filed the above Civil Revision Petition.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner/tenant is willing to vacate the premises in six months time and to that effect, the tenant has filed an affidavit of undertaking dated 14.08.2016 before this Court. In paragraph-2 of the affidavit, filed in support of the petition, the petitioner has stated as follows:

"2. I respectfully submit that I have filed the above Civil Revision Petition challenging the judgment and decreetal order dated

31.01.2015 passed in RCA No.1 of 2014 on the file of the Subordinate Judge, Sankari. I respectfully submit that I hereby undertake to vacate and hand over the subject matter of the property in this Civil Revision Petition within a period of six months from 17.08.2016."

4. The affidavit of undertaking, filed by the petitioner, is taken on record. In view of the same, the order of eviction, granted by the Rent Control Appellate Authority/Subordinate Court, Sankari in R.C.A.No.1 of 2014 is confirmed. The petitioner/tenant is granted six months time from today to vacate and hand over the vacant possession of the petition premises, without driving the respondent/landlord to initiate execution proceedings. With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected CMP is closed.

17-08-2016

sr

Index:no
website:yes

To
The Subordinate Court, Sankari

M. DURAISWAMY,J.,

sr

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