

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

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THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).No.2205 of 2016
and C.M.P.No.11453 of 2016

P.C.Surana

... Petitioner

Vs

J.Chennakesavalu

... Respondent

Civil Revision Petition under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the judgment and decree dated 29.03.2016 passed in R.C.A.No.274 of 2015 on the file of the VIII Judge, Court of Small Causes, Chennai, Appellate Authority confirming the order of eviction dated 24.04.2015 passed in R.C.O.P.No.1057 of 2012 on the file of the XIII Judge, Court of Small Causes, Chennai (Rent Controller).

For Petitioner : Mr.A.M.Loganathan

For Respondent : Mr.T.Soundar Rajan

ORDER

When the matter is taken up for hearing, learned counsel for the petitioner submitted that the tenant is willing to vacate the premises on or before 30.11.2016. To that effect, the petitioner also filed an affidavit of

undertaking dated 27.09.2016 before this Court. The affidavit of undertaking filed by the petitioner is taken on record and shall form part of the record. That apart, the petitioner and the respondent also entered into joint memorandum of compromise. The joint memorandum of compromise dated 27.09.2016 is also taken on record.

2.The petitioner and the respondent, who are present in the Court also admitted the due execution of the memorandum of compromise dated 27.09.2016.

3.In view of the joint memorandum of compromise entered into between the parties, the Civil Revision Petition stands dismissed.

4.The petitioner is granted time till 30.11.2016 for vacating and handing over vacant possession of the petition premises to the respondent/ landlord without driving him to initiate execution proceedings. The petitioner/tenant shall continue to pay the monthly rent of Rs.6,138.50p till 30.11.2016, which he is presently paying to the respondent/landlord. The respondent/landlord gives up his claim in respect of the balance 50% of the difference in fair rent as fixed in R.C.O.P.No.1962 of 2007 and R.C.A.No.313 of 2009 subject to handing over of vacant possession of the petition premises

on or before 30.11.2016. The parties also agreed not to press their respective Civil Revision Petitions in C.R.P.Nos.1581 of 2012 and 2788 of 2012 with respect to fair rent. Further, it was agreed between the parties that on failure to hand over possession within the specified date, the respondent/landlord is entitled to execute the order of eviction passed in R.C.O.P.No.1057 of 2012 and also claim the balance in the difference in fair rent as fixed in R.C.O.P.No.1962 of 2007. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

27.09.2016

To

- 1.The VIII Judge, (Appellate Authority)
Court of Small Causes,
Chennai.
- 2.The XIII Judge, (Rent Controller)
Court of Small Causes,
Chennai.

M.DURAIWAMY,J.
va

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