

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-11-2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No.3460 of 2016
and C.M.P.No.17645 of 2016

R. Jerrina Begum

... Petitioner

vs

K. Karemullah

... Respondent

Civil Revision Petition filed under Section 25(1) of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 against the order dated 26.08.2016 on the file of IX Small Causes Court, Chennai made in RCA No.601 of 2015, confirming the fair and decreetal order dated 29.10.2015 in RCOP No.1804 of 2014 on the file of XV Small Causes Court, Chennai.

For Petitioner : Mr.M. Rajendiran

For respondent : Mr.T. Jayaramaraj

ORDER

Challenging the order passed in RCA No.601 of 2015 on the file of Rent Control Appellate Authority, IX Judge, Court of Small Causes, Chennai, confirming the order passed in RCOP No.1804 of 2014 on the file of Rent Controller/XV Judge, Court of Small Causes, the tenant has filed the above Civil Revision Petition.

2. When the matter is taken up for final hearing, the learned counsel for the petitioner/tenant submitted that the tenant is willing to vacate the premises in four months time. To that effect, the petitioner/tenant also filed an affidavit of undertaking dated 16.11.2016 before this Court today.

3. The learned counsel, appearing on behalf of the respondent/landlord has no objection for granting four months time to the tenant.

4. Both the landlord as well as the tenant were present in the Court.

5. In the affidavit of undertaking, the petitioner/tenant has stated that she had paid a sum of Rs.30,000/- as advance to the respondent/landlord. However, the respondent/landlord filed a Memo stating that the petitioner is in arrears of rent for the months of August 2014, May 2016 and July 2016 to October 2016. The learned counsel appearing for the petitioner disputed the averments stated in the Memo dated 16.11.2016.

6. So far as the arrears is concerned, it is open to the respondent/landlord to initiate appropriate proceedings for the recovery of the same.

7. Similarly, for the return of the advance money, it is open to the petitioner/tenant to initiate proceedings against the respondent/landlord. However, I make it clear that the petitioner shall continue to pay the monthly rent without any default till she vacates the petition premises.

8. In these circumstances, the concurrent findings are confirmed. The Civil Revision Petition stands dismissed. The petitioner/tenant is granted four months time to vacate and hand over

M. DURAISWAMY,J.,

sr

vacant possession of the petition premises to the respondent/landlord without driving him to initiate execution proceedings. The affidavit of undertaking shall form part of the record. No costs. Consequently, connected CMP is closed.

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Index:no
website:yes

To

1. The IX Small Causes Court, Chennai
2. The XV Small Causes Court, Chennai

CRP(NPD)No.3460 of 2016

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