

HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

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CORAM :

THE HONOURABLE Dr.JUSTICE S.VIMALA

CRP (NPD) No.476 of 2016
and CMP.No.2420 of 2016

G.Sureshkumar
No.3/376-A, Plot No.54
13th Street, Venkateswara Nagar
Kottivakkam
Chennai – 41.

... Petitioner

Vs

1.Saraswathy Kothandapani
2.A.G.Kothandapany

Both residing at :
New No.35, Flat No.2
Ramakrishna Nagar 4th Cross Street
Raja Annamalaipuram
Chennai – 28.

... Respondents

PRAYER : Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying to set aside the fair and decretal order of the learned Principal District Munsif, Alandur dated 12.01.2016 in E.P.No.144 of 2015 in R.C.O.P.No.87 of 2014.

For Petitioner	:	Mr. M.Venkatakrisnan
For Respondent 2	:	Mr. S.Stanley John

ORDER

The Civil Revision petition has been filed by the tenant/petitioner herein, challenging the rejection of memo and order of delivery vide order dated 12.01.2016 in E.P.No.44 of 2015 in RCOP No.87 of 2014 on the file of Principal District Munsif, Alandur.

2. The petitioner herein is the tenant, against whom the respondents/landlords have filed the R.C.O.P.No.87 of 2014 on the file of Principal District Munsif, Alandur, for eviction of the tenant. The trial Court has passed an eviction order on 05.06.2015 directing the tenants to vacate the premises and deliver the vacate possession of the scheduled property to the landlords within two months from the date of decree. Non-compliance of the said decree, resulted in filing of Execution Petition in E.P.No.44 of 2015 in R.C.O.P.No.87 of 2014 by the respondents/landlords. While the Execution Petition was pending, the tenant/petitioner has filed a memo praying to grant time to vacate the premises. Subsequently on 12.01.2016, when the trial Court took up the matter for hearing, it had allowed the Execution Petition, rejecting the memo (seeking grant of time) filed by the tenant/petitioner. Challenging, the said rejection, the petitioner herein/tenant has filed the present Civil Revision Petition.

3. The petitioner herein/tenant has filed an undertaking affidavit before this Court stating that he would vacate and hand over the possession of the premises by 31.05.2016 and has agreed to pay the arrears of rent as per the undertaking made in the memo.

4. Paying the arrears of rent would be as per the terms and conditions as stated in the undertaking affidavit. Time for eviction has been granted only because of the undertaking given to clear the arrears of rent. Therefore, in the event of non-compliance of any of the terms and conditions of the undertaking, the original order of delivery would revive. The undertaking affidavit is recorded.

5. The Civil Revision Petition stands disposed of in terms of the undertaking affidavit. The undertaking affidavit shall form a part of the order. No costs. Consequently, connected miscellaneous petition is closed.

17.02.2016

ds

To:
The Principal District Munsif Court
Alandur.

S.VIMALA ,J.,

ds

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