

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.06.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)Nos.779 and 780 of 2016
and CMP Nos.4317, 4318 and 4319 of 2016

Sivakumar Petitioner in both the revisions

vs

Shanmugha Kumar Respondent in both the revisions

Civil Revision Petitions filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control Act, 1960) against the fair and final order on the file of Principal Subordinate Judge of Tiruppur dated 04.07.2015 in R.C.A.Nos.4 of 2014 and 3 of 2014, reversing the order passed in R.C.O.P.No.15 of 2012 and R.C.O.P.No.9 of 2012 on the file of District Munsif, Tiruppur.

For Petitioner : Mr.Niranjan Raja Gopalan

For respondent : Mr.V.P. Sengottuvel

COMMON ORDER

The Civil Revision Petition in C.R.P.No.779 of 2016 has been filed by the tenant, challenging the judgment and decree passed in

R.C.A.No.4 of 2015 on the file of Sub Court, Tiruppur, reversing the order and decreetal order passed in R.C.O.P.No.15 of 2012 on the file of Rent Controller/District Munsif, Tiruppur.

2. The Rent Control Original Petition in R.C.O.P No.15 of 2012 was filed by the respondent/landlord for eviction on the ground of wilful default and the Rent Controller had dismissed the Original Petition, against which, the respondent/landlord preferred an appeal in R.C.A No.4 of 2014 and the Rent Control Appellate Authority had reversed the order, passed by the Rent Controller and ordered eviction, against which, the tenant has filed the above Civil Revision Petition.

3. The Civil Revision Petition in C.R.P.No.780 of 2016 has been filed by the tenant, challenging the judgment and decree, passed in R.C.A. No.3 of 2014 on the file of Sub Court, Tiruppur, reversing the order passed in R.C.O.P.No.9 of 2012 on the file of Rent Controller and District Munsif, Tiruppur.

4. The tenant has filed an Original Petition in R.C.O.P.No.9 of 2012 under Section 8(5) of Tamil Nadu Buildings (Lease and Rent

Control Act), 1960, to deposit the rent into Court. The Rent Controller allowed the petition and the respondent/landlord preferred an appeal in R.C.A.No.3 of 2014 and the Rent Control Appellate Authority reversed the order, passed by the Rent Controller and allowed the appeal, against which, the tenant has filed the Civil Revision Petition in C.R.P.No.780 of 2016.

5. When the matters are taken up for hearing, the learned counsel appearing for the petitioner/tenant submitted that the tenant is willing to vacate the premises on or before 30.06.2016 and to that effect, he has filed an affidavit of undertaking before this Court. On a reading of the Affidavit of undertaking, in paragraph-6, the petitioner has stated as follows:

"6. In the circumstances, it is prayed that this Hon'ble Court may be pleased to permit me to vacate the premises of the respondent by 30.06.2016 and thus render Justice."

6. The undertaking given by the petitioner is recorded and the petitioner is granted time till 30.06.2016 for vacating and handing over the vacant possession of the petition property to the respondent/landlord without driving him to initiate execution

proceedings.

7. In the affidavit, the petitioner has also made some averments in paragraphs 4 and 5, which are unwarranted when the tenant is seeking for time to vacate the premises. The learned counsel for the petitioner fairly submitted that the averments made in paragraphs 4 and 5 may be eschewed.

8. In view of the submissions made by the learned counsel for the petitioner, the averments made in paragraphs 4 and 5 of the affidavit dated 11.06.2016 are eschewed. With these observations, both the Civil Revision Petitions are dismissed. No costs. Consequently, connected CMPs are closed.

13-06-2016

sr

Index:no
website:yes

Note: Issue Order copy on 15.06.2016

To

1. The Principal Sub Judge, Tiruppur
2. The Rent Controller/The District Musnif, Tiruppur

M. DURAISWAMY,J.,

sr

C.R.P.(NPD)Nos.779 & 780
of 2016

13-06-2016