

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

**C.R.P.(NPD).Nos.3817 & 1640 of 2012
and M.P.No.1 of 2012 in
C.R.P.(NPD).No.1640 of 2012**

S.Indharani ... Petitioner in C.R.P.(NPD).No.3817/2012
& Respondent in C.R.P.(NPD).No.1640/2012

Vs.

C.Ganesan ... Respondent in C.R.P.(NPD).No.3817/2012
& Petitioner in C.R.P.(NPD).No.1640/2012

Civil Revision Petitions filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18 of 1960 r/w Act 1 of 1979 against the order dated 02.12.2011 in R.C.A.Nos.12 & 11 of 2010 on the file of the Rent Control Appellate Tribunal (Subordinate Court), Nagapattinam, confirming the judgment and decree in R.C.O.P.No.5 of 2008 dated 17.08.2010 on the file of the Rent Controller (District Munsif), Nagapattinam.

For Petitioner (C.R.P.(NPD).No.3817/2012) : Mr.M.S.Palaniswamy
(& Respondent in C.R.P.(NPD).No.1640/2012)

For Respondent (C.R.P.(NPD).No.3817/2012) : Mr.R.S.Varadharajan
(& Petitioner in C.R.P.(NPD).No.1640/2012) for M/s.Ram & Rajan
Associates

COMMON ORDER

Challenging the fair and final order passed in R.C.A.No.12 of 2010 on the file of the Rent Control Appellate Tribunal (Subordinate Court), Nagapattinam, confirming the order passed in R.C.O.P.No.5 of 2008 on the file of the Rent Controller (District Munsif), Nagapattinam, the tenant has filed the Civil Revision Petition in C.R.P.(NPD).No.3817 of 2012.

2.Challenging the fair and final order passed in R.C.A.No.11 of 2010 on the file of the Rent Control Appellate Tribunal (Subordinate Court), Nagapattinam, confirming the order passed in R.C.O.P.No.5 of 2008 on the file of the Rent Controller (District Munsif), Nagapattinam, the landlady has filed the Civil Revision Petition in C.R.P.(NPD).No.1640 of 2012.

3.The landlady filed R.C.O.P.No.5 of 2008 for eviction on the ground of willful default and personal use and occupation.

4.The Rent Controller ordered eviction on the ground of willful default and rejected the Rent Control Original Petition on the ground of own use and occupation. The Rent Control Appellate Authority also confirmed the order of the Rent Controller, against which the landlady has

filed the Civil Revision Petition in C.R.P.(NPD).No.1640 of 2012 and the tenant filed the Civil Revision Petition in C.R.P.(NPD).No.3817 of 2012.

5.When the matters were taken up for hearing, the learned counsel appearing for the tenant submitted that the tenant is willing to vacate the premises in six months time and shall continue to pay the rent at the rate of Rs.2,000/- per month till he vacates and hand over vacate possession to the landlady.

6.Mr.M.S.Palaniswamy, learned counsel appearing for the landlady submitted that the tenant is in arrears of rent for 116 months. The learned counsel submitted that liberty may be given to the landlady to initiate appropriate proceedings for recovery of the rental arrears.

7.Mr.R.S.Varadharajan, learned counsel for the tenant also filed an affidavit of undertaking dated 20.08.2016 undertaking to vacate the premises in six months time.

8.The affidavit of undertaking filed by the tenant is taken on record.

9. In view of the affidavit of undertaking filed by the tenant, the order of eviction granted by the Courts below in R.C.O.P.No.5 of 2008 is confirmed. The tenant is granted six months time to vacate and hand over vacant possession of the petition premises to the landlady without driving her to initiate execution proceedings. It is open to the landlady to initiate appropriate proceedings for recovery of the rental arrears from the tenant in accordance with law.

10. With these observations, the Civil Revision Petition in C.R.P.(NPD).No.3817 of 2012 stands dismissed and the Civil Revision Petition in C.R.P.(NPD).No.1640 of 2012 stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

29.08.2016

**C.R.P.(NPD).Nos.3817 & 1640 of 2012
and M.P.No.1 of 2012
in C.R.P.(NPD).No.1640 of 2012**

M.DURAIWAMY,J.

At the instance of the learned counsel on either side, the matter has been listed under the caption 'for being mentioned'.

2.This Court, by order dated 29.08.2016, dismissed C.R.P.(NPD).No.3817 of 2012 and disposed of C.R.P.(NPD).No.1640 of 2012 and also granted six months time to the tenant to vacate and hand over vacant possession of the petition premises.

3.The learned counsel for the petitioner in C.R.P.(NPD).No.1640 of 2012 submitted that in 1st paragraph it has been wrongly mentioned as “tenant” instead of “landlady” and in paragraph no.2, it has been wrongly mentioned as “ landlady” instead of “tenant”.

4.Further, the learned counsel for the petitioner submitted that in paragraph no.5, it has been mentioned that the tenant is willing to vacate the premises in six months time whereas the tenant sought for twelve months time and this Court directed him to vacate the premises in six months time.

5.The learned counsel appearing for the respondent/landlady has no objection in correcting the errors made in the order.

6.In view of the same, the Registry is directed to carry out the corrections in the order, which reads as follows:

(i)in paragraph no.1, instead of “*tenant*”, it should be mentioned as “*landlady*”;

(ii)in paragraph no.2, instead of “*landlady*”, it should be mentioned as “*tenant*”;

(iii)in paragraph no.4, instead of *C.R.P.(NPD).No.1640 of 2012*, it should be mentioned as *C.R.P.(NPD).No.3817 of 2012* and instead of *C.R.P.(NPD).No.3817 of 2012*, it should be mentioned as *C.R.P.(NPD).No.1640 of 2012*;

and

(iv)Registry is directed to incorporate the following paragraph instead of the existing paragraph no.5:

“5.When the matters were taken up for hearing, the learned counsel appearing for the tenant submitted that the tenant is willing to vacate the premises in twelve months time and shall continue to pay the rent at the rate of Rs.2,000/- per month till he vacates and hand over vacant possession to the landlady. However, the learned counsel for the landlady submitted that six months may be granted to the tenant. In view of the same, I am of the view that

the tenant can be granted six months time to vacate
and hand over vacant possession of the premises ”

7.The Registry is directed to carry out the correction in the order and
issue fresh copies of the order to both sides.

8.In other aspects, the order dated 29.08.2016 passed in the Civil
Revision Petitions shall remain unaltered.

va

03.10.2016

**M.DURAIWAMY,J.
va**

**C.R.P.(NPD).Nos.3817 & 1640 of 2012
and M.P.No.1 of 2012
in C.R.P.(NPD).No.1640 of 2012**

03.10.2016

To

1.The Rent Control Appellate Tribunal
(Subordinate Court),
Nagapattinam.

2.The Rent Controller
(District Munsif),
Nagapattinam.

M.DURAISWAMY,J.
va

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