

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2017

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

Civil Revision Petition (NPD) No.1122 of 2017
and
C.M.P.No.5401 of 2017

P.R.K.Bhaskaran
Sole Proprietor,
M/s.Leo Coffee Grinding Works,
Shop No.4, Plot No.C-10,
Door No.32, Old No.117,
W-Block, 3rd Avenue,
Anna Nagar, Chennai - 600 040

... Petitioner

..Vs..

R.Sudhakar

... Respondent

Prayer : This Civil Revision Petition has been filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973 and Act 1 of 1980), praying to set aside the judgment and decree dated 23.01.2017 made in R.C.A.No.42 of 2016 on the file of VII Judge, Court of Small Causes (Rent Control Appellate Authority) at Chennai, confirming with the judgment and decreetal order dated 11.01.2016 made in R.C.O.P.No.766 of 2014 on the file of the X Judge, Small Causes (Rent Controller), Chennai and allow the present Civil Revision Petition.

For petitioner : M/s.Kala Ramesh

For Respondent : Mr.Y.T.Aravind Gosh

ORDER

Today, the counsel for the petitioner filed an affidavit of undertaking before this Court stating that the petitioner will vacate and hand over the vacant possession of the petitioner's premises on or before 30.09.2017.

2. The counsel for the petitioner has stated that affidavit of undertaking has been served on the counsel for the respondent which reads as follows:-

"1. I am the Manager-General of the petitioner and I had contested the above case of all the Courts below and was authorized to file vakalat, counter and proof affidavit and as such, I am well acquainted with the facts and circumstances of the case.

2. I submit that we had filed the above Civil Revision Petition as against the judgment and decreetal order dated 23.01.2017 made in R.C.A.No.42 of 2016 on the file of VII Judge, Court of Small Causes (Rent Control Appellate Authority) at Chennai, concurring with the judgment and decree dated 11.01.2016 made in R.C.O.P.No.766 of 2014 on the file of the X Judge, Small Causes (Rent Controller), Chennai.

3.I herein hereby undertake that we will vacate and handover vacant possession of the petition premises namely Shop No.4, Plot No.C-10, Door No.32, Old No.117, W-Block, 3rd Avenue, Anna Nagar, Chennai - 600 040 under our occupation to the respondent/landlord on or before 30.09.2017 and this Hon'ble Court may be pleased to pass further orders in the interest of justice".

3.Both the counsels for the parties have accepted the same.
The petitioner shall abide by the affidavit of undertaking filed before this Court.

3. Recording the above undertaking and also in view of the above submissions made by the counsel for the parties, this Civil Revision Petition is dismissed. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

03.04.2017

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To

- 1.The VII Judge, Court of Small Causes (Rent Control Appellate Authority)
Chennai
2. The X Judge, Small Causes (Rent Controller), Chennai

D.KRISHNAKUMAR,J.,

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