

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P. (NPD) No.1499 of 2017

and

C.M.P No.7003 of 2017

and

Caveat No.1437 of 2017

1. M/s. Sree Vijay Timber Corporation
2. M/s. Sree Padmaja Saw Mills
3. T. Subba Rao
4. U. Subba Rao
5. V. Venkateswara Rao
6. V. Krishna Rao
7. U. Rambabu
8. C.M. Parthasarathy
9. Raghu Chakravarthy
10. V. Kallvara Prasad
11. T. Srinivasa Rao
12. U. Srinivasa Rao
13. C.H. Easwar

... Petitioners

VS.

T. Vijaya Kumar

...Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Tamil Nadu Act 23 of 1973 and by Act 1 of 1980.

For Petitioners : Mr. P.B. Ramanujam

For Respondent/ : Mr. M.R. Sheik Abdul Rahim
Caveator

ORDER

This Civil Revision Petition arises against the Judgment and decree of eviction passed in R.C.A. No.522 of 2011 on the file of the VIII Small Causes Court at Chennai dated 30.09.2016 confirming the order and decree passed in R.C.O.P No.2152 of 2007 on the file of the XVI Small Causes Court at Chennai dated 30.06.2011.

2. Learned counsel for the petitioners submitted that the respondent filed R.C.O.P No.2152 of 2007 before the XVI Judge, Small Causes Court, Chennai, for eviction of the petitioners on the ground of demolition and reconstruction. After enquiry, learned trial court allowed the petition on 30.06.2011. Against the same, the petitioners herein filed an appeal in RCA No. 552 of 2011 before the learned VIII Court of Small

Causes Judge, Chennai. The Appellate authority dismissed the appeal, by granting two months time to evict the premises and confirmed the order of the lower court. Challenging the said order passed by the Lower Appellate court, the petitioners have filed this Revision Petition.

3. During the last hearing, after hearing the detailed submissions of the learned counsel for both the sides, this Court was not inclined to entertain the revision petition. At that stage, learned counsel for the petitioners sought time to file an affidavit undertaking to evict the premises within a reasonable period. Today, the 3rd petitioner has filed an Undertaking Affidavit dated 26.04.2017, on behalf of the other petitioners also, stating as follows in paragraph 4 of the affidavit.

" 4. I hereby undertake for myself and on behalf of other Civil Revision Petitioners to vacate and handover vacant possession of the tenanted premises, which is the subject matter of eviction proceedings, on or before 31.10.2017, peacefully, without driving the respondent/ landlord to initiate execution proceedings and also undertake to pay rents, till such time, we vacate and handover

vacate possession, without any default "

4. Learned counsel for the respondent has no objection, for the petitioners to continue in the premises till 30.10.2017, as per their undertaking.

5. In view of the undertaking affidavit filed by the petitioners stating that they would vacate the premises by 30.10.2017 and will pay the monthly rent promptly, and as the same has been accepted by the respondent, this Court direct the petitioners to vacate the premises on or before 30.10.2017 and shall continue till then on payment of monthly rent promptly to the respondent, on or before 5th day of every succeeding month. The Undertaking Affidavit dated 26.04.2017 filed by the 3rd petitioner shall form part of the records. In case of any default caused by the petitioners, on the above said undertaking, the respondent is at liberty to proceed, in accordance with law.

6. This Civil Revision Petition is disposed, on the above terms. Consequently, the Connected Miscellaneous Petition is closed. No order as to costs.

27.04.2017

Index : yes / no

Speaking Order/ Non speaking order

avr

To

1. The VIII Court of Small Causes, Chennai.
2. The XVI Court of Small Causes, Chennai

D.KRISHNAKUMAR, J.

avr

C.R.P. (NPD) No. 1499 of 2017
and
C.M.P No.7003 of 2017

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