

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P. (NPD) No. 437 of 2017
and
CM.P No.2121 of 2017
and
Caveat Petition No. 104 of 2017

M. Jeeva

... Petitioner

vs.

N.R. Arumugam (Died)

1. A. Kasthuri
2. M. Kalaiselvi
3. G. Tamizharasi
4. H. Kalaivani
5. I. Vasanthi

...Respondents

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 against the Judgment and decree passed in R.C.A. No.678 of 2013 on the file of the VII Court of Small Causes at Chennai dated 29.07.2016 confirming the order and decree passed in R.C.O.P No.1712 of 2011 on the file of the XVI Court of Small

Causes at Chennai dated 24.09.2013.

For Petitioner : Mr. V. Mariselvaraj

For Respondents : Mr.S. Vijayaraghavan for R1

ORDER

This Civil Revision Petition arises against the Judgment and decree passed in R.C.A. No.678 of 2013 on the file of the VII Court of Small Causes at Chennai dated 29.07.2016 confirming the order and decree passed in R.C.O.P No.1712 of 2011 on the file of the XVI Court of Small Causes at Chennai dated 24.09.2013.

2. Brief facts leading to the case is that the 1st respondent and her deceased husband N.R. Arumugam, filed R.C.O.P No.1712 of 2011 before the XVI Judge, Small Causes Court, Chennai, seeking to direct the petitioner herein, to deliver the vacant possession of the subject property. After enquiry, learned trial court allowed the petition on 24.09.2013. Against the said order, petitioner herein filed an appeal in RCA No. 678 of 2013 before the learned VII Court of Small Causes Judge, Chennai. The Appellate authority dismissed the appeal and confirmed the order of the

lower court. Challenging the said orders passed by the Lower Appellate court, the petitioner has filed this Revision Petition. In the meanwhile, the respondents have initiated the execution proceedings in E.P. No. 540 of 2013 and the petitioner is apprehending eviction by the respondents.

3. Today when the matter came up for hearing, the petitioner has filed an Undertaking Affidavit. In paragraph 4 of the affidavit, it is stated that the petitioner is willing to vacate the subject property and hand over the premises, within the stipulated time, fixed by this Court.

4. Learned counsel for the respondents agreed that as per the undertaking affidavit, the petitioner shall vacate the premises before 1st Dec. 2017 and that the petitioner can continue in the premises from 01.04.2017 to 30.11.2017, on payment of a monthly rent to the respondents, on or before 5th day of every month. With regard to the advance amount of rent is concerned, the submissions in the affidavit, cannot be accepted and hence it is for the petitioner to work out his remedy.

5. In view of the undertaking affidavit filed by the petitioner

and since the same has been accepted by the respondents, this Court directs the petitioner to vacate the premises before 1st Dec. 2017 and that the petitioner can continue in the premises from 01.04.2017 to 30.11.2017, on payment of a monthly rent to the respondents, on or before 5th day of every month.

6. Mr. S. Vijayaraghavan has filed his Caveat and Affidavit in this Revision and made his submissions. The Undertaking Affidavit dated 06.04.2017 filed by the petitioner shall form part of the records. Learned counsel for the respondents undertake to defer the Execution Proceedings till December 2017. In case of any default on the above said condition, the respondents are at liberty to proceed with the Execution Proceedings.

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

06.04.2017

Index : yes / no

Speaking Order/ Non speaking order
avr

To

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

D.KRISHNAKUMAR, J.

avr

C.R.P. (NPD) No. 437 of 2017
and
CM.P No.2121 of 2017
and
Caveat Petition No.104 of 2017

06.04.2017
<http://www.judis.nic.in>