

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.1484 of 2011
& M.P.No.1 of 2011

V.Venu ... Petitioner

Vs.

1.K.Shanthilal
2.S.Suseela ... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records and set aside the order dated 04.02.2011 passed by the VII Judge, Court of Small Causes, Chennai in RCA No.267 of 2004 confirming the order dated 06.01.2004 passed by the XIV Judge, Court of Small Causes, Chennai in RCOP No.792 of 2003.

For Petitioner : Mr.S.Karpagavarthini
For Respondents : Mr.S.Ramesh Kumar

ORDER

This Civil Revision Petition has been filed to call for the records and set aside the order dated 04.02.2011 passed by the VII Judge, Court of Small Causes, Chennai in RCA No.267 of 2004 confirming the order dated 06.01.2004 passed by the XIV Judge, Court of Small Causes, Chennai in RCOP No.792 of 2003.

2. The respondent filed RCOP No.792 of 2003 on the file of IV Judge, Court of Small Causes, Chennai for eviction of the petitioner on the ground of owners occupation. The said RCOP was allowed on 06.01.2004. Against the said order dated 06.01.2004, the petitioner filed RCA No.267 of 2004 on the file of VII Judge, Small Causes Court, Chennai. The said RCA was also dismissed, by order dated 04.02.2011.

3. Against the order of dismissal dated 04.02.2001 passed in RCA No.267 of 2004, the present Civil Revision Petition has been filed.

4. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner may be granted time till 18.01.2018 to vacate and hand over the petition premises and has filed an affidavit to that effect. The affidavit of undertaking filed by petitioner is recorded, which reads as follows

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“3. I humbly submit that I intend to vacate the petition schedule portion and it is agreed that I shall vacate the said portion on 18th January, 2018 and the

advance amount paid by me shall be adjusted towards the monthly rent till January 2018. On the assurance of the respondents, I hereby undertake to vacate the petition portion let out to me on 18th January, 2018”.

5. The learned counsel for the respondents also accepted for adjusting the rent from the advance amount given by petitioner, till January 2018. In view of the above submission, the petitioner / tenant is granted time till 18.01.2018 to vacate and hand over the vacant possession of the petition premises to the respondent/landlord, on or before 18.01.2018. If the petitioner fails to comply with the undertaking given by him, it is open to the respondents to file execution petition to evict the petitioner as well as to initiate contempt proceedings for contempt of breach of undertaking given before this Court.

6. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

24.07.2017

Index : Yes/No
rgr

V.M.VELUMANI, J.
rgr

To

1.The VII Judge,
Court of Small Causes,
Chennai.

2.The XIV Judge,
Court of Small Causes,
Chennai.

C.R.P.(NPD)No.1484 of 2011

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