

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER
and
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

O.S.A.Nos.192 to 195 of 2017
and C.M.P.Nos.13136 to 13139 of 2017

V.L.Vivekanand ... Appellant in all
the appeals

vs.

1. Administrator General and
Official Trustee of Tamil Nadu,
High Court Campus,
Chennai-600 104. R1 in OSA 192/2017,
193/2017, Respondent in 194/2017,195/2017
2. Bhakya Chemicals
represented by its Proprietor N.Ravindran
S/o.Natarajan,
No.8/21, R.K.Nagar, 2nd Street,
Korukkupet, Chennai-600 021. R2 in OSA 192/2017,193/2017

* * *

Prayer : Original Side Appeals filed under Order 36, Rule 9 of
the Original Side Rules read with Clause 15 of the Letters
Patent against the fair and final order dated 15.02.2017, in
Application Nos.2366, 2365, 5274 and 5275 of 2012 in C.S.No.204
of 1940.

For Appellant in all : Mr.Ravichandran
the appeals

For Respondents in all: Ms.Kannammal, AG & OT
the appeals assisted by Ms.Subhadva,
Deputy AG & OT

COMMON JUDGEMENT

[Judgement of the Court was made by RAJIV SHAKDHER, J.]

1. After some arguments, learned counsel for the appellant
says that he does not wish to contest the appeals, and that, he
be given, instead, time to vacate the subject premises, since he
has two school going children, who are studying in a school,

which is in close proximity to the subject premises. Counsel says mid-term change of school would present difficulties.

2. Learned counsel for the appellant further says that the appellant is willing to pay rent at the rate of Rs.40,000/- per month, if, time is granted to vacate the subject premises.

3. Ms.Kannammal, learned Administrator General and Official Trustee, submits that this is a case of subletting, and therefore, no further time ought to be granted.

4. Learned counsel for the appellant, on the other hand, denies this allegation. It is his submission that his brother, one, Mr.Muthazhagan, is staying along with him, and therefore, the liability to handover vacant possession is his alone.

5. Having regard to the fact that the appellant is in some difficulty, on account of his children, studying in a school, which is in close proximity to the subject premises and changing their school mid-term, would perhaps, cause problems, the appeals, as per the stand taken by the learned counsel for the appellant, are disposed of based on the following directions :

(i) The appellant will handover vacant and peaceful possession of the subject premises on or before 30.04.2018.

(ii) The appellant will also pay rent at the rate of Rs.40,000/- per month, commencing from the month of August 2017.

(iii) The rent at the rate of Rs.40,000/- per month will be paid on or before 7th day of each calendar month. In so far as rent for the month of August 2017 is concerned, the same will be paid within seven (7) days of receipt of a certified copy of the order passed today.

(iv) The appellant will file an undertaking in the form of an affidavit qua the directions set out in clause (i) to (iii) above. Furthermore, the appellant will also have his brother Mr.Muthazhagan, file an undertaking in the form of an affidavit that he will not claim any right or interest in the subject premises.

(v) In case, there is a default, the respondent will have liberty to move this Court, immediately, for handing over of the subject premises and for proceedings to be taken out against the appellant for violation of the undertaking.

6. Resultantly, pending applications shall stand closed.
There shall, however, be no order as to costs.

7. List 'for compliance' on 29.08.2017.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

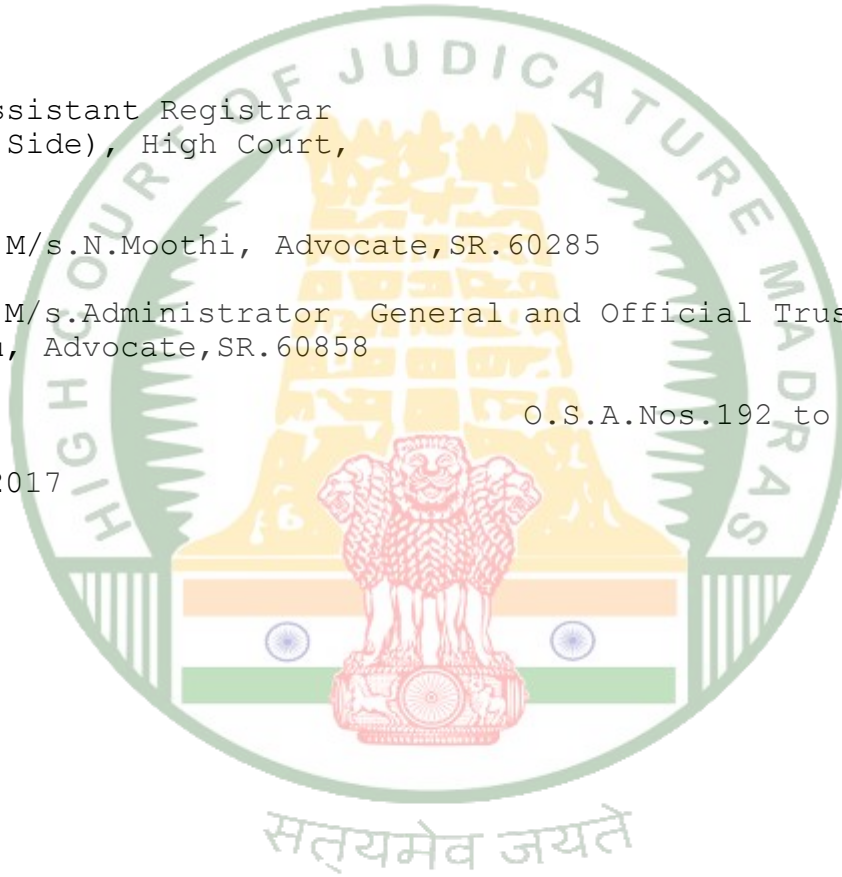
The Sub Assistant Registrar
(Original Side), High Court,
Madras.

+ 4 cc to M/s.N.Moothi, Advocate,SR.60285

+ 1 cc to M/s.Administrator General and Official Trustee of
Tamil Nadu, Advocate,SR.60858

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