

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P. (NPD) No. 711 of 2017
and
CM.P No. 3580 of 2017

G. Babu

... Petitioner

VS.

S. Natarajan

...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 Petitioner : Mr. S. Hariprasad

For Respondent : Mr. S. Krishnaswamy

ORDER

This Civil Revision Petition arises against the Judgment and decree passed in R.C.A. No.581 of 2015 on the file of the VII

Small Causes Court at Chennai dated 19.09.2016 confirming the order and decree passed in R.C.O.P No.1263 of 2013 on the file of the XIII Small Causes Court at Chennai dated 29.09.2015.

2. Learned counsel for the petitioner submitted that the respondent filed R.C.O.P No.1263 of 2013 before the XIII Judge, Small Causes Court, Chennai, seeking to direct the petitioner herein, to deliver the vacant possession of the subject property, as the same is required for demolition and reconstruction. After enquiry, learned trial court allowed the petition on 29.09.2015. Against the same, the petitioner herein filed an appeal in RCA No. 581 of 2015 before the learned VII 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 petitioner has filed this Revision Petition.

3. Today when the matter came up for hearing, the petitioner has filed an Undertaking Affidavit, stating in paragraph

4 of the affidavit, that the petitioner will vacate the subject property and hand over the scheduled mentioned property, on or before 30.11.2017.

4. Learned counsel for the respondent has no objection, for the petitioner to continue in the premises till 30.11.2017, on payment of monthly rent to the respondent, on or before 5th day of every month.

5. In view of the undertaking affidavit filed by the petitioner stating that he would vacate the premises by 30.11.2017 and will pay the monthly rent promptly, and as the same has been accepted by the respondent, this Court directs the petitioner to vacate the premises on or before 30.11.2017, shall continue till then on payment of monthly rent promptly to the respondent, on or before 5th day of every succeeding month.

6. By consent of both the parties, the above said order is passed. The Undertaking Affidavit dated 04.04.2017 filed by the petitioner shall form part of the records. In case of

any default on the above said condition, the respondent is at liberty to proceed, in accordance with law.

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 XIII Court of Small Causes, Chennai

D.KRISHNAKUMAR, J.

avr

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