

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(NPD) NOS.1654 AND 1655 OF 2015

Damodharan

... Petitioner
in both CRPs'

Vs.

S.M.N.Segu Abubacker Sathick
By its power agent S.M.N.Backer
79, East Street, Kilakkarai,
Ramanathapuram District.
Rep. by his power agent S.M.N.Backer
20, Nothveli Street, Madurai.

... Respondent
in both CRPs'

PRAYER IN CRP (NPD) NO.1654 OF 2015: Civil Revision Petition filed under Section 25 of the Tamil Nadu Building (Lease and Rent Control) Act, 1960 against the judgment and decreetal order in M.P.No.864 of 2013 in R.C.A.No.354 of 2007 on the file of the Rent Appellate Authority cum VIII Small Causes Court, Chennai.

PRAYER IN CRP (NPD) NO.1655 OF 2015: Civil Revision Petition filed under Section 25 of the Tamil Nadu Building (Lease and Rent Control) Act, 1960 against the judgment and decreetal order in M.P.No.865 of 2013 in R.C.A.No.382 of 2008 on the file of the Rent Appellate Authority cum VIII Small Causes Court, Chennai, dated 10.04.2014.

For Petitioner : Mr.V.Raghavachari
For Respondent : Mr.M.Peer Mohammed

COMMON ORDER

These Civil Revision Petitions are directed against the orders passed in M.P.No.864 of 2013 in R.C.A.No.354 of 2007 and in M.P.No.865 of 2013 in R.C.A.No.382 of 2008 respectively, by the Rent Control Appellate Authority cum VIII Small Causes Court, Chennai, dated 10.04.2014.

2. Heard the submissions made on either side and perused the materials available on record.

3. The parties have arrived at a mutual agreeable settlement and filed a joint memorandum of compromise dated 19.09.2017, which reads as under:

"JOINT MEMORANDUM OF COMPROMISE"

The petitioner is a tenant and respondent is landlord with respect to the premises situated at 29, Chinna Thamby Street, Chennai - 600 001. The respondent had filed R.C.O.P.135 of 2004 before the XV Small Causes Court at Madras for fixation of fair rent. The fair rent fixed by the Rent Controller at the rate of Rs.13,837/- per month was

challenged in R.C.A.354 of 2007 and R.C.A.382 of 2008. The order of the appellate authority in dismissing the appeals without hearing the petitioner is under challenge in this revision petition.

That pending the civil Revision Petition, the petitioner and respondent had arrived at a compromise and is desirous to put an end to issue by recording the memorandum of compromise on the following terms.

1. That the petitioner / tenant shall vacate and surrender the vacant possession of the schedule premises to the respondent / landlord on or before 30.09.2017.

2. That the respondent / landlord shall waive the entire fair rent fixed by the rent controller in R.C.O.P.135 of 2004 dated 25.10.2005, on the file of the XV Small Causes Court at Madras.

3. That the petitioner / tenant had deposited the agreed monthly rents to the credit of R.C.O.P.1528 of 2008 as per the order dated 01.06.2010, on the file of XV Small Causes Court at Madras, whereas the respondent / landlord

shall withdraw the said amount from the Small Causes Court at Madras and the petitioner / tenant shall not have any objections.

4. That pursuant to this memorandum of compromise the petitioner / tenant and the respondent / landlord does not have any claim as against each other.

5. That the petitioner as well as respondent had entered into this compromise on their own volition without any threat or coercion.

6. That the petitioner as well as respondent had read the contents of this compromise and having understood the same and entered in to this compromise.

The petitioner and respondent therefore prays that this Hon'ble Court be pleased to record this JOINT MEMORANDUM OF COMPROMISE and be pleased to dispose the above Civil Revision Petitions, C.R.P.1654 of 2015 and C.R.P.1655 of 2015 as per the terms of compromise and pass such further or other orders as this Hon'ble Court deem fit and proper under the facts and

circumstances of the case and render justice.

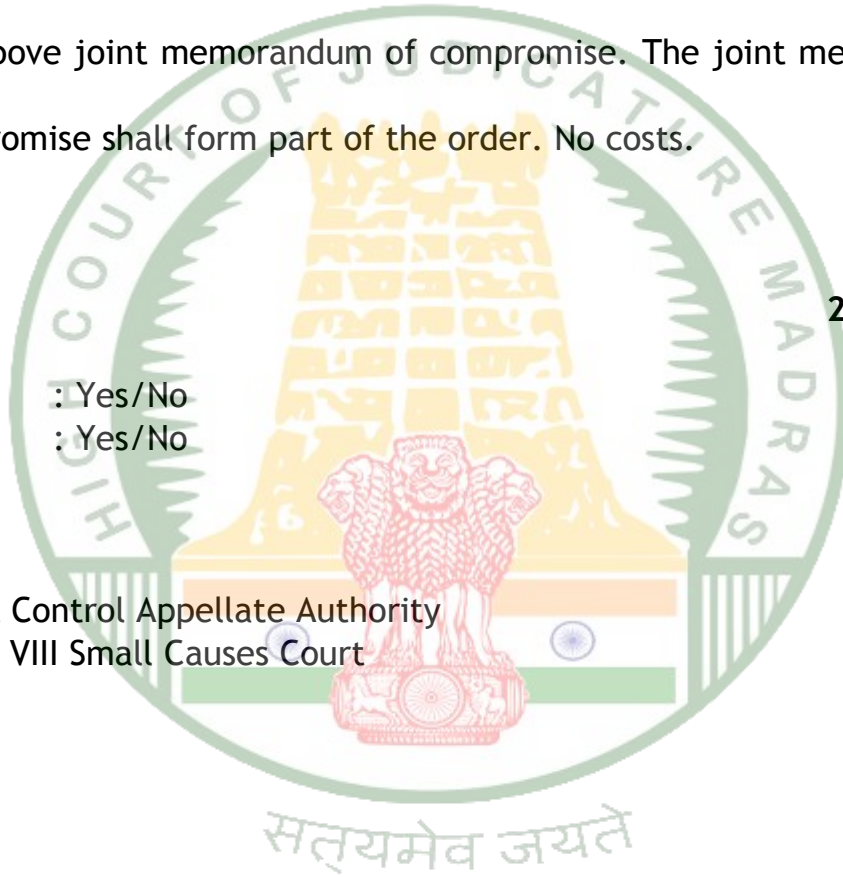
*Dated at Madras on this the 19th day of September
2017. "*

4. Both the Civil Revision Petitions are disposed of in terms of the above joint memorandum of compromise. The joint memorandum of compromise shall form part of the order. No costs.

20.09.2017

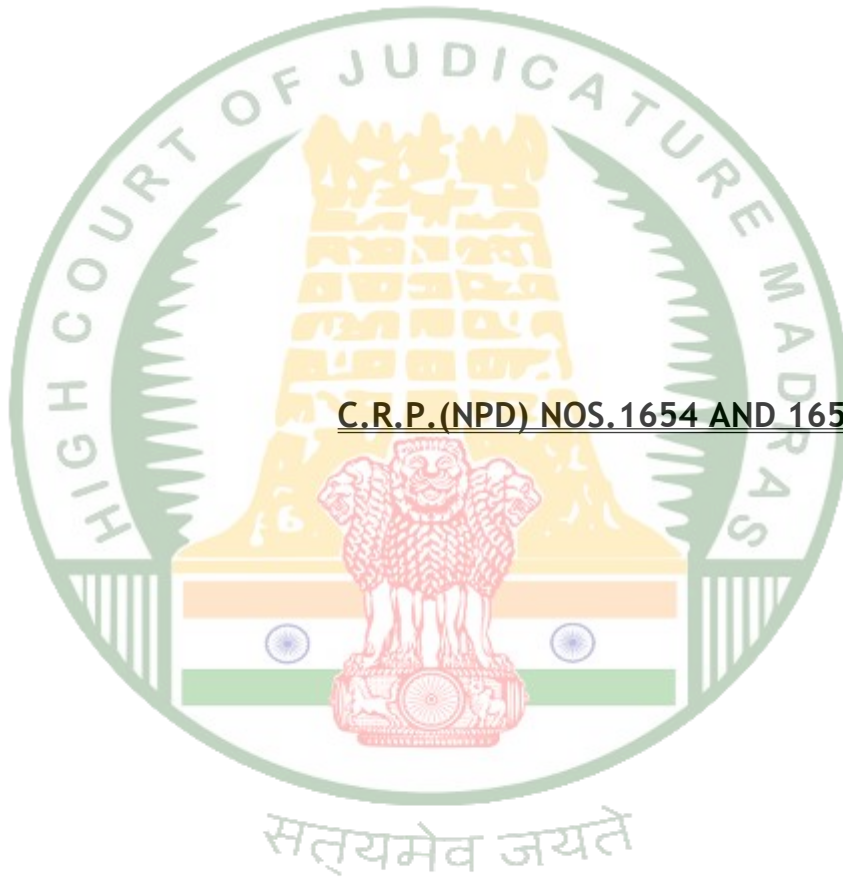
Index : Yes/No
Internet : Yes/No
TK
To

The Rent Control Appellate Authority
cum VIII Small Causes Court
Chennai.



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M.GOVINDARAJ, J.
TK



C.R.P.(NPD) NOS.1654 AND 1655 OF 2015

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20.09.2017