

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P. (NPD) No. 855 of 2014
and
C.M.P No. 1742 of 2017

1. A. Thara
2. A. Kumar
3. A. Senthil

... Petitioners

vs.

M/s. Jayamurugan Metals
rep. by its Partner S.Jayapal
Door No.1, Shop No.8
Thanjamurugappa Chetty Street
Chennai – 600 003.

...Respondent

Civil Revision Petition filed under Section 25(1) 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 Petitioners : Mr.K. Mohanamurali

For Respondent : Mr. K. GoviGanesan

ORDER

This Civil Revision Petition arises against the fair and decreetal order passed in R.C.A. No.702 of 2006 on the file of the VII Small Causes Court at Chennai dated 27.11.2013 reversing the fair and decreetal order passed in R.C.O.P No.465 of 2005 on the file of the X Small Causes Court at Chennai dated 30.06.2006.

2. Learned counsel for the petitioners submitted that the respondent is a tenant in the premises of the petitioners, who committed wilful default in payment of rent. The petitioners filed R.C.O.P No.465 of 2005 before the X Judge, Small Causes Court, Chennai, seeking for eviction of the respondent. The petition was allowed and the learned Judge ordered for eviction of the respondent, on 30.06.2006. Against the same, the respondent herein filed an appeal in RCA No. 702 of 2006 before the learned VII Court of Small Causes Judge, Chennai. The appeal was decreed in favour of the respondent. Challenging the said judgment passed by the Lower Appellate court, the petitioners have filed this Revision Petition.

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

affidavit, that the respondent will vacate the petitioners' premises and hand over the keys on 02.06.2017. The Undertaking Affidavit dated 24.04.2017 filed by the petitioner shall form part of the records.

4. Learned counsel for the petitioners have no objection in accepting the said undertaking and permit the respondent to continue in the premises till 01.06.2017.

5. Recording the undertaking affidavit dated 24.04.2017 filed by the respondent, this Civil Revision Petition is disposed. Consequently, the Connected Miscellaneous Petition is closed. No order as to costs.

Post this matter for reporting compliance, on 02.06.2017.

24.04.2017

Index : yes / no

Speaking Order/ Non speaking order

avr

To

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

D.KRISHNAKUMAR, J.

avr

C.R.P. (NPD) No. 855 of 2014
and
CM.P No. 1742 of 2017

24.04.2017