



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2017

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.1826 of 2013 (NPD) and
M.P. (MD) No.1 of 2013 and
M.P. (MD) Nos.1 and 2 of 2015

Jubili Ahamed

.. Petitioner/Appellant/
Respondent

Vs.

1. Jaleel Appas
2. Rabiagani

... Respondents/Respondents/
Petitioners

Prayer: Civil Revision petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent) Control Act No.18 of 1960, to set aside the Judgment and Decree, dated 29.07.2013 made in R.C.A.No.4 of 2011 on the file of the Rent Control Appellate Authority/Subordinate Judge, Pudukottai, confirming the Judgment and Decree, dated 02.12.2010, made in R.C.O.P.No.3 of 2008 on the file of the Rent Controller/District Munsif, Arnathangi, and to allow the Civil Revision petition.

For Petitioner : Mr.N.Balakrishnan
For Respondents : Mr.V.K.Vijayaragavan

ORDER

Challenging the Judgment and Decree, dated 29.07.2013 made in R.C.A.No.4 of 2011 on the file of the learned Rent Control Appellate Authority/Subordinate Judge, Pudukottai, confirming the Judgment and Decree, dated 02.12.2010, made in R.C.O.P.No.3 of 2008 on the file of the learned Rent Controller/District Munsif, Arnathangi, this Civil Revision petition has been filed.

2. Heard, Mr.N.Balakrishnan, learned counsel appearing for the petitioner and Mr.V.K.Vijayaragavan, learned counsel appearing for the respondents.

3. The tenant is the Revision petitioner. The respondents as landlords instituted an eviction petition against the petitioner under Sections 10(2)(I) and 10(3)(III) of Tamil Nadu Buildings (Lease and Rent Control) Act, before the trial Court in R.C.O.P.No.3 of 2008.

4. After contesting, the learned Rent Controller allowed the eviction petition on 02.12.2010. Aggrieved over the order, the



tenant preferred an appeal in R.C.A.No.4 of 2011 before the learned Rent Control Appellate Authority/Subordinate Judge, Pudhukottai. The learned Rent Control Appellate Authority also confirmed the order of the learned Rent Controller. Challenging the order, the present Revision is filed.

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5. Learned counsel for the petitioner would submit that though the Civil Revision petition has been filed against the concurrent finding of the eviction, the petitioner has filed an undertaking affidavit, dated 23.10.2017, seeking to grant time to vacate the premises, for which, the learned counsel appearing for the respondents has no objection.

6. The undertaking affidavit filed by the petitioner, dated 23.10.2017, is recorded.

7. **In fine**, this Civil Revision Petition is dismissed. As per the affidavit of undertaking dated 23.10.2017, the petitioner is directed to deliver the vacant possession to the respondents within a period of three months from the date receipt of a copy of this order. If the petitioner does not deliver the vacant possession within the time stipulated above, the respondents shall take the possession, without actually filing of any execution proceedings. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge/Rent Control Appellate Authority, Pudukottai.
2. The District Munsif/The Rent Controller, Arnathangi.

Copy To:-

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.M.R.S.PRABHU, ADVOCATE IN SR No. 85332

PMU

TE/SKN-RSK/SAR-2 : 05/12/2017 : 2P/5C

ORDER MADE IN
C.R.P. (MD) No.1826 of 2013 (NPD) and
M.P. (MD) No.1 of 2013 and
M.P. (MD) Nos.1 and 2 of 2015
03.11.2017