



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.04.2017
CORAM

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

WEB COPY

C.R.P. (MD) No. 861 of 2017 (NPD)
and
C.M.P. (MD) No. 3797 of 2017

M. Veerakannan

.. Petitioner

Vs.

R. Sivakami

.. Respondent

Prayer : Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act to set aside the fair and decreetal order Passed in R.C.A.No.14/2014 dated 28.02.2017 on the file of the Learned Principal Subordinate Judge, Nagercoil confirming the fair and decreetal order dated 12.08.2014, passed in R.C.O.P.No.46 of 2006 on the file of Learned Rent Controller (1st Additional District Munsif Court), Nagercoil, Kanyakumari District.

For Petitioner :: Mr.M.P.Senthil

For Respondent :: Mr.M.Suri
For Caveator

ORDER

This Revision Petition is filed under Section 25 of Tamil Nadu Building Lease and Rent Control Act by the tenant, who lost the case before the Rent Control Authority as well as before the Rent Control Appellate Authority.

2.R.C.O.P.No.46 of 2006 was filed by the respondent herein under Sections 10(2)(iii), 10(2)(v), 10(3)(a)(i), 10(3)(c), 10(2)(7), 10(2)(1) of Tamil Nadu Buildings (Lease and Rent Control) act, before Learned Rent Controller (1st Additional District Munsif Court), Nagercoil, Kanyakumari District. The Trial Court, after appreciating the evidence adduced by the parties, has held that the landlord is entitled for the relief prayed for and ordered eviction of the tenant.

3.The Appellate Court also confirmed the order of the Tribunal holding that the tenant has malafidely denied the title of the landlord and there is a bonafide requirement for the landlord. The revision taken up for filing disposal, this Court



finds that there is no merit in the revision and the tenant is liable to vacate in consonance with the order of the Tribunal as confirmed by the Appellate Authority.

4. At this juncture, the revision petitioner has sought time for vacating the premises and to hand over the vacant possession. Accordingly, he has filed an affidavit as under:

I submit that, the above revision came up for hearing on 19.04.2016 and this Hon'ble Court after hearing was not inclined to entertain the revision filed by me and further granted one year time to vacate the petition premises on the plea made by my counsel. I hereby undertake to vacate the petition premises within a period of one year i.e. on or before 30.04.2018, without driving the respondent to take possession through execution proceedings. I am seeking for the same only on sympathetic grounds as it is hard to find a new premise in a short span of time. In these circumstances and in the interest of justice that this Hon'ble Court may be pleased to record the above undertaking and grant me one year time to vacate the petition premises which is the subject matter of the R.C.O.P.No.46 of 2006 on the file of Learned Rent Controller (1st Additional District Munsif Court), Nagercoil, Kanyakumari District. I further state I am regularly paying monthly rents to the respondent by pay order and further undertake to pay the further monthly rents regularly without any default to the respondent.

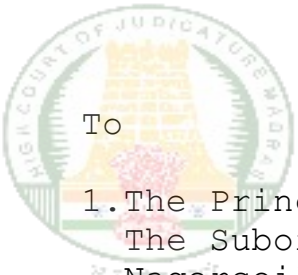
5. The learned counsel for the respondent submits that he has no objection to grant time upto 30.04.2018, provided, the revision petitioner shall pay the rent due without any default and honour the undertaking, given before this Court.

6. In view of the above said undertaking given by the revision petitioner, the revision petitioner/tenant herein is permitted to continue in possession upto 30.04.2018 on payment of rent regularly and hand over the vacant possession on or before 30.04.2018.

7. In the result, this revision petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No Costs.

Sd/-

Assistant Registrar(AS)



To

1.The Principal Subordinate Judge,
The Subordinate Court,
Nagercoil.

2.The I Additional District Munsif,
Nagercoil,
Kanyakumari District.

+1 cc to Mr.M.P.Senthil , Advocate in SR.No. 54901

+1 cc to Mr.A.Suri , Advocate in SR.No. 54782

GK/MM

AE/SV/SAR3/11.05.2017/3P/5C

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