

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P. (NPD) No.2479 of 2017
and
C.M.P No.11748 of 2017

1. K. Soundariya
2. M/s. Sark Cosmetics Pvt. Ltd.,
Rep. By its Director K. Soundariya .. Petitioners

Vs

1. M/s. Baby Zone
a Unit of M/s.UNIMAX International
rep. By its partner
Mr. Pradyumna Reddy
2. Mr. Pradyumna Reddy
3. Mr. Varada Reddy
4. Mrs. Prashanti Reddy .. Respondents

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act 1960 as amended by Act 23 of 1973, Act 1 of 1973) to set aside the common judgement and decree passed in M.P. No.213 of 2016 in RCA No.40 of 2016 passed by the learned IX

Judge, Small Causes Court, Chennai (Rent Control Appellate Authority), confirming the order dated 15.07.2015 in M.P. No.749 of 2014 in RCOP No.2261 of 2013 by the learned X Judge, Small Causes Court, Chennai (Rent Controller).

For Petitioners : Mr. Ashok Menon

For Respondents : Mr. K. P. Ashok

ORDER

This revision petition is filed against the common judgement and decree passed in M.P. No.213 of 2016 in RCA No.40 of 2016 by the learned IX Judge, Small Causes Court, Chennai (Rent Control Appellate Authority), confirming the order dated 15.07.2015 in M.P. No.749 of 2014 in RCOP No.2261 of 2013 by the learned X Judge, Small Causes Court, Chennai (Rent Controller).

2. The learned counsel for the petitioners/ tenant would submit that the respondents/ landlord filed petitions in RCOP Nos.2260 and 2261 of 2013 seeking eviction against the petitioners, from two portions of the demised premises, on the ground of wilful default in payment of rent and amenities. As against the order of eviction dated

17.08.2015 passed in the RCOP Nos. 2260 and 2261 of 2013, the petitioners herein filed RCA Nos. 40 and 80 of 2016. Pending appeals, the respondents herein filed M.P. Nos. 213 and 214 of 2016, seeking for a direction to the petitioners herein to pay the arrears of rent and the future rent for the two portions. By a common order dated 25.10.2016, petitions were allowed and the petitioners herein were directed to pay the arrears of rent and amenities charges. The present revision petition has been filed challenging the common judgement and decree passed in M.P. NO.213 of 2016 in RCA No.40 of 2016, so far as the schedule property in RCOP No.2261 of 2013.

3. When the matter was taken up, the learned counsel for the petitioners drew the attention of this Court to the Undertaking Affidavit dated 22.01.2018 filed before the Registry. In paragraph 2 of the affidavit, the petitioner has undertaken to vacate the portion scheduled in RCOP No.2261 of 2013, which is the subject matter of this revision petition and handover the vacant possession of the same to the respondents/ landlord on or before 07.02.2018. The learned counsel for the respondents has no objection to the said undertaking.

4. Recording the above undertaking of the petitioner dated 22.01.2018, the Civil Revision Petition is disposed of. The undertaking affidavit shall form part of the record. It is open to the respondents to agitate before the court below, if aggrieved. Consequently, the connected Miscellaneous Petition is closed. No costs.

25.01.2018

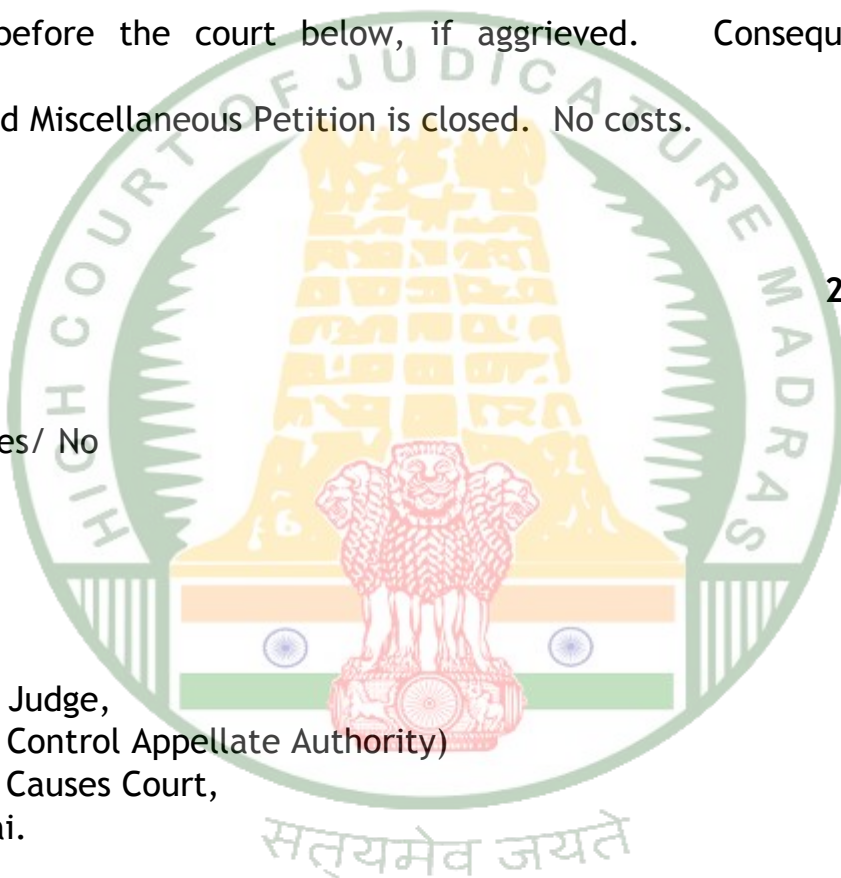
Index : Yes/ No

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To

1. The IX Judge,
(Rent Control Appellate Authority)
Small Causes Court,
Chennai.

2. The learned X Judge,
(Rent Controller)
Small Causes Court,
Chennai .



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D. KRISHNAKUMAR J.,

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