

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

C.R.P(NPD) Nos.1315 & 1316 of 2017
and
CMP.No.6092 of 2017

1.M/s.City Book Centre
Rep. by its Proprietrix Mrs.S.Ranjitham
D.No.903, Raja Street,
Coimbatore.

2.Mrs.S.Ranjitham

..Petitioners in both C.R.Ps

Vs

1.Mrs.Kamalam

2.J.Suresh Kumar

3.J.Ramesh Kumar

..Respondents in both C.R.Ps

Prayer:- Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the judgement and decree dated 24.11.2016 made in RCA Nos.42 & 43 of 2015, on the file of the Principal Subordinate Judge and Rent Control Appellate Authority, Coimbatore, confirming the judgment and decree dated 31.03.2015 made in R.C.O.P.Nos.301 of 2000 & 7 of 1997 on the file of the II Additional District Munsif and House Rent Controller, Coimbatore.

For Petitioners in both C.R.Ps :Mr.A.E.Ravichandran

For Caveater in both C.R.Ps :Mr.K.Mukund
for M/s.Sarvabhauman Associates

COMMON ORDER

The eviction petition filed by the respondent herein on the ground of owner's occupation and demolition and construction came to be ordered on 31.03.2015 in R.C.O.P.Nos. 301 of 2000 & 7 of 1997. The petitioners appeal against the same in R.C.A.Nos.42 & 43 of 2015 also came to be rejected on 20.07.2015 confirming the eviction order on both grounds of owner's occupation and demolition and construction. Aggrieved against the same, the present revisions have been filed.

2. Though the petitioners herein had raised several grounds challenging the order passed by the Rent Control Appellate Authority confirming the eviction order of the Rent Controller, the learned counsel for the petitioners submitted that he would be satisfied if reasonable time is granted for vacating the premises for which purpose, the petitioners are also willing to file a sworn affidavit before this Court.

3. The learned counsel for the respondent on the other hand has raised his objection stating that since there is no infirmity in the finding of the trial Court on both the grounds of owner's occupation and demolition and construction, the civil revision petition deserves to be dismissed.

4. I have gone through the orders passed by the Rent Controller as well as Appellate Authority. In my considered view both the Rent Controller and Rent Control Appellate Authority have properly appreciated

the evidence and have ordered for eviction of the demised premises. Nevertheless, in view of the submission made by the learned counsel for the petitioners that he has spent a considerable amount of money over establishing his business over these years, a sympathetic approach can be extended by permitting him to stay in the demised premises for a period of one year.

5. The petitioners herein have filed an affidavit dated 11.12.2018 duly signed before this Court undertaking to vacate the premises, which is the subject matter of R.C.O.P.Nos. 301 of 2000 & 7 of 1997. Recording the submissions in the affidavit, the civil revision petitions stands dismissed. Consequently, the petitioners shall vacate and hand over the possession of the premises which is the subject matter in R.C.O.P.Nos. 301 of 2000 & 7 of 1997 to the respondents herein on or before 16.12.2019. Consequently, Connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

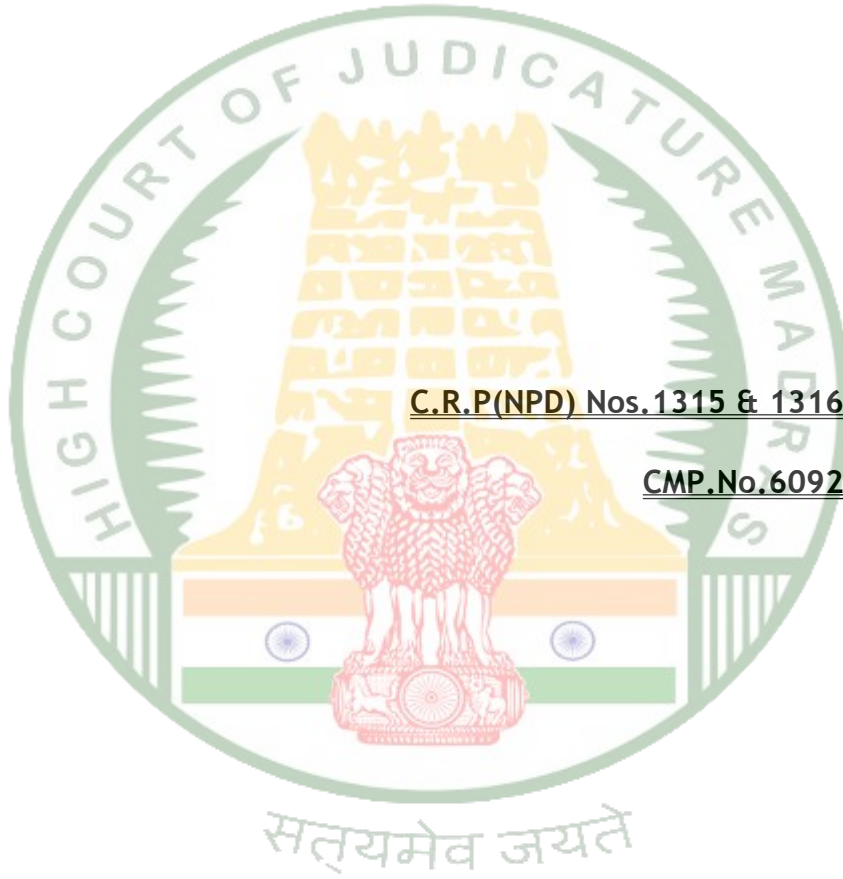
vsn/dh

To

<http://www.judis.nic.in> The II Additional District Munsif
and House Rent Controller, Coimbatore.

M.S. RAMESH.J.,

vsn/dh



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