



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2018

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .Nos.217 & 218 of 2018 and
C.M.P. (MD) No.920 of 2018 in CRP(MD) No.217 of 2018

M.Santhana Peeroli ... Revision Petitioner/Tenant
in both petitions

Vs.

N.Vijayakumar ... Respondent/Land lord in both petitions

PRAYER : Civil Revision Petitions are filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control Act, 1960), to set aside the fair and decreetal orders dated 22.09.2017 made in R.C.A.No.1 of 2013 and R.C.A.No.2 of 2013 on the file of the Rent Controll Appellate Authority, (Sub Court), Theni, confirming the fair and decreetal orders dated 01.08.2013 made in R.C.O.P.No.19 of 2006 and R.C.O.P.No.1 of 2007 respectively on the file of the Rent Controller, (District Munsif Court), Theni.

(in both petitions)

For Petitioner : Mr.A.Arumugam,
for M/s.Ajmal Associates.
For Respondent : Mr.Pala Ramasamy

COMMON ORDER

The Revision petitioner is the tenant. The respondent/landlord filed R.C.O.P.No.19 of 2006 before the learned Rent Controller (District Munsif), Theni, for evicting the Revision petitioner on the ground of willful default. The said R.C.O.P., was allowed. Questioning the same, R.C.A.No.1 of 2013 was filed by the Revision petitioner herein. The same was dismissed by the appellate Authority by order dated 22.09.2017. Questioning the same, C.R.P. (MD) No.217 of 2018 has been filed.

2. The tenant had filed R.C.O.P.No.1 of 2007 for deposit of rental arrears. Since the procedure set out in the Act was not followed, the said R.C.O.P., was dismissed. Questioning the same, R.C.A.No.2 of 2013 was filed by the tenant. The same was dismissed by the appellate Authority by order dated 22.09.2017. Questioning the same, C.R.P. (MD) No.218 of 2018 has been filed.

3. Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned counsel appearing for the Revision petitioner submitted that he was running a footwear shop in the premises in



question. He therefore sought one year time to vacate the premises. In view of the exceptional circumstances of this case, this Court directed the Revision petitioner to file an undertaking affidavit. Accordingly, the Revision petitioner has filed an undertaking affidavit dated 25.08.2018.

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5. It is made clear that the Revision petitioner shall vacate premises in question on 01.08.2019. The landlord will not be made to file an execution petition thereafter. The possession of the premises in question will be handed over on 01.08.2019. If the possession is not handed over to the landlord on 01.08.2019, the landlord can straightaway file Contempt petition before this court. It is made clear that the Revision petitioner would be punished for breach of the order passed by this Court, if there is breach of this undertaking. It is agreed to the Revision petitioner.

6. The learned counsel appearing for the petitioner undertakes that the Revision petitioner shall clear the arrears, if not already done, within a period of four weeks from today. He shall continue to pay the monthly rent till 01.08.2019. The learned counsel for the landlord is not opposing the request made by the Revision petitioner.

7. With these observations and directions, the Civil Revision petitions stand disposed of. If the Revision petitioner failed to clear the arrears within a period of four weeks, the order passed by this Court will be recalled and the Civil Revision petitions shall stand automatically dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Subordinate Judge,
Rent Controller Appellate Authority, Theni.
2. The District Munsif,
Rent Controller, Theni.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.PALA RAMASAMY, ADVOCATE IN SR No. 81050

+ 1 CC TO M/s.AJMAL ASSOCIATES, ADVOCATE IN SR No. 81198

PMU

TE/RSK/SAR-2 : 11/12/2018 : 2P/7C