



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (NPD) (MD) No.859 of 2015

WEB COPY
Thirumalai

... Petitioner

vs.

Nagarajan

... Respondent

PRAYER: Civil Revision Petition filed under Section 25 of the TamilNadu Buildings, Lease and Rent Control Act against the Fair and Decretal order dated 13.02.2015 in R.C.A.No.5 of 2013 on the file of the Rent Control Appellate Authority cum Principal Sub Court, Kumbakonam, confirming the Fair and Decretal order dated 12.07.2013 in R.C.O.P.No.8 of 2008 on the file of the Rent Controller / Principal District Munsif Court, Kumbakonam.

For Petitioner : Mr.T.V.Sivakumar

For Respondent : Mr.B.Jameel Arasu

ORDER

This Civil Revision Petition has been filed to set aside the order dated 13.02.2015 in R.C.A.No.5 of 2013 on the file of the Rent Control Appellate Authority cum Principal Sub Court, Kumbakonam, confirming the Fair and Decretal order dated 12.07.2013 in R.C.O.P.No.8 of 2008 on the file of the Rent Controller / Principal District Munsif Court, Kumbakonam.

2. The petitioner would submit that he is the tenant under the respondent. The respondent filed R.C.O.P.No.8 of 2008 for eviction and the same is party-allowed, against which, the petitioner herein filed R.C.A.No.5 of 2013 and the same is dismissed. As against the said order, the revision petition has been filed.

3. When the matter came up for hearing, the petitioner has raised many grounds as to the maintainability of the Civil Revision Petition, now they were come to an amicable settlement by which, the petitioner undertakes to shift from the property and for that he seeks time till 31.03.2018 to hand over the premises to the respondent. The learned counsel for the respondent would also agree for the same and the petitioner has filed an undertaking affidavit. Now, the learned counsel for the petitioner as well as the respondent would agree to forgo the arrears of rent, which is endorsed by the learned counsel for the respondent.

4. Based on the undertaking affidavit, the petitioner shall vacate the premises and hand over the vacant possession of the demised building to the respondent on or before 31.03.2018.



5. In view of the undertaking affidavit, the petitioner is directed to vacate the premises and hand over vacant possession to the respondent on or before 31.03.2018. If the petitioner fails to vacate the premises as per the undertaking affidavit, the respondent shall proceed against the petitioner without undergoing the formal EP proceedings.

6. With the above direction, this Civil Revision Petition is disposed of. No costs. The undertaking affidavit shall form part and parcel of this order.

Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

ENCL:Xerox copy of the undertaking affidavit

To

- 1.The Rent Control Appellate Authority -cum- Principal Sub Court, Kumbakonam.
- 2.The Rent Controller / Principal District Munsif, Kumbakonam.

+1cc to Mr.H.LAKSHMI SHANKAR, Advocate, SR.No.54398

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