



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.2590 of 2016 and
C.M.P. (MD) No.12235 of 2016

M.Raju Naidu

...Revision Petitioner/Appellant/
Respondent/Tenant

Vs.

V.R.Narendira Raj

... Respondent/Respondent/
Petitioner/Landlord

PRAYER: Civil Revision Petition is filed under Section 25 of Tamilnadu Buildings Lease and Rent Control Act, to call for records relating to the order and decreetal order dated 24.08.2016 in R.C.A.No.55 of 2008 on the file of the Rent Control Appellate Authority cum Principal Subordinate Judge, Tiruchirappalli, confirming the order and decreetal order dated 03.10.2007 made in R.C.O.P.No.90 of 2005 on the file of the learned Rent Controller cum I Additional District Munsif, Tiruchirappalli and set aside the same by allowing this Civil Revision petition.

For Petitioner: Mr.R.Sundar Srinivasan
For Respondent: Mr.N.C.Ashok Kumar

ORDER

The tenant is the Revision petitioner. He suffered an eviction order passed by the learned Rent Controller/I Additional District Munsif, Tiruchirappalli, in R.C.O.P.No.90 of 2005, dated 03.10.2007. The eviction order was confirmed in R.C.A.No.55 of 2008 by the learned appellate Authority also. Questioning the same, this Civil Revision petition has been filed.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the Revision petitioner submits that he would not press the contentions raised in this Civil Revision petition. But then, he wanted an year's time for vacating the premises in question which is a residential property



occupied by the Revision petitioner.

4. Considering the special circumstances obtaining in this case, this Court grants an year's time to vacate the property in question. It is made clear that the Revision petitioner will have to file an undertaking affidavit in the Registry, undertaking to vacate and hand over the vacant possession of the property in question to the landlord on the expiry of one year from today. The landlord will not be driven to file any execution petition, thereafter. It is made clear that if the Revision petitioner does not vacate as undertaken, this Court will initiate *suo motu* Contempt proceedings against the Revision petitioner based on a mention by the landlord, if necessary. The Revision petitioner shall clear the arrears of rent and pay a sum of Rs.10,000/- to the respondent herein towards use and occupation for the given one year, if any, within a period of four weeks from the date of receipt of a copy of this order.

5. With these directions, the Civil Revision petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-II)

To

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



+ 1 CC TO MR.N.C.ASHOK KUMAR ADVOCATE IN SR NO.81684
+ 1 CC TO MR.R.SUNDAR SRINIVASAN, ADVOCATE IN SR NO.81854

pmu

BU/PM/SAR-II : 03.10.2018 : 3P/7C

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