



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.65 of 2016andC.M.P. (MD) Nos.264 of 2016 and 8196 and 8661 of 2018

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1.K.T.Mohan kumar
2.T.Shanmugavadivu
3.N.Palaniammal
4.N.Varadharajan
5.N.Gurumoorthy

...Revision Petitioners / Appellants /
Respondents / Tenants

/Vs./

1.P.Mythreyi
2.P.Santhosh
3.P.Arun Balaji

...Respondents / Respondents / Petitioners /
Landlords

Prayer: Civil Revision Petition - filed under Section 25 of the Tamil Nadu Building (Lease and Rent Control) Act, to set aside the order of eviction dated 07.12.2015 in R.C.A.No.9 of 2015 passed by the learned Rent Control Appellate Tribunal (Principal Subordinate Judge), Dindigul, confirming the fair and decreetal order dated 31.03.2015 in R.C.O.P.No.8 of 2009 on the file of the Rent Controller cum Principal District Munsif, Dindigul, by allowing this revision.

For Petitioners : Mr.Meenakshi Sundaram
Senior Counsel
for M/s.P.Ganapathi Subramanian

For Respondents : Ms.N.Krishnaveni
Senior Counsel
for Mr.P.Thiagarajan

ORDER

The tenants are the revision petitioners herein. The respondents filed R.C.O.P.No.8 of 2009 on the file of the Rent Controller, Dindigul, for evicting the revision petitioners on ground of own use and occupation and demolition and re-construction. The said R.C.O.P.No.8 of 2009 was contested on several grounds. The Rent Controller, Dindigul, allowed R.C.O.P.No.8 of 2009. Questioning the same, the tenants filed R.C.A.No.9 of 2015 before the Rent Control appellate authority. The authority dismissed R.C.A.No.9 of 2015 by an order dated 07.12.2015. Questioning the same, this civil revision petition has been filed.



2. When the matter was taken up disposal, the first revision petitioner, namely, K.T.Mohan kumar as well as the second respondent landlord, namely, P.Santhosh are present in this Court. The learned Senior Counsel on either side are also present.

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3. It appears that the landlords have filed an R.C.O.P. for fixation of fair rent. All that the revision petitioners submit is that the landlords should withdraw the said R.C.O.P. and give up all the claims regarding fair rent.

4. The learned Senior Counsel, on instructions from the respondents, submits that if the property is handed over at the earliest, they would forego their claims against the revision petitioners. Since the property in question is being used as Onion Mandi, the revision petitioners seek time till 31.10.2018. The landlords are agreeable to give time till then.

5. The revision petitioners are directed to file an affidavit of undertaking that they will hand over the possession of the premises in question to the respondents on or before 31.10.2018. It is made clear that they will file an affidavit of undertaking to that effect by 19.09.2018. The landlords/respondents shall withdraw the R.C.O.P. filed by them for fixing fair-rent. The respondents will have no claims against the petitioners herein.

6. It is also made clear that the respondents shall not be driven to the necessity of filing an Execution Petition. Needless to say that if the above said undertaking is breached, this Court will take appropriate action against the revision petitioners. The revision petitioners are directed to remove all the superstructures and hand over the vacant possession of the property in question to the respondents. The orders passed by the Court below is affirmed. Accordingly, the civil revision petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-
Assistant Registrar(CO)

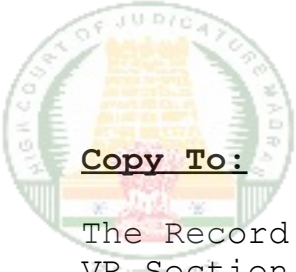
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Sub Assistant Registrar(CS-IV)

To

1.The Rent Control Appellate Tribunal
(Principal Subordinate Judge),
Dindigul.

<https://hcservices.ecourts.gov.in/hcservices/>
2.The Rent Controller cum Principal District Munsif,
Dindigul.

**Copy To:**

The Record keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to M/s.P.Ganapathi Subramanian, Advocate, SR.No.84999
+1CC to Mr.P.Thiagarajan, Advocate, SR.No.85155

Order made in
C.R.P. (MD) (PD) No.65 of 2016
17.09.2018

SM
ES/SKN/RSK/SAR 4/28.09.2018/3P/7C