



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(PD) (MD) No.1894 of 2018
and C.M.P. (MD) No.8219 of 2018

S.Selvam ...Petitioner/Petitioner/Respondent/Tenant
-Vs-
V.Jeyakumar ...Respondent/Respondent/Petitioner/Landlord

Prayer: Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act against the fair order and decreetal order dated 29.06.2017 made in R.C.A.No.16 of 2015 on the file of the Rent Control Appellate Authority, Madurai confirming the fair and decreetal order dated 04.02.2015 made in R.C.O.P.No.234 of 2006 on the file of the Rent Controller (Principal District Munsif Court), Madurai.

For Petitioner : Mr.R.Vijayakumar
For Respondent : Mr.M.Ponnaiah for Caveator

O R D E R

The tenant is the revision petitioner herein. He suffered an eviction order in R.C.O.P.No.234 of 2006 on the file of the Rent Controller (Principal District Munsif), Madurai. The said order was confirmed in R.C.A.No.16 of 2015 also. Questioning the same, this Civil Revision Petition has been filed.

2.The learned counsel appearing for the revision petitioner reiterated the contentions set out in the memorandum. As rightly pointed out by the learned counsel for the respondent, this Court is not inclined to grant any substantial relief because the revision petitioner had already given an undertaking before this Court in C.R.P.(MD) No.2093 of 2017 that he would vacate the subject premises. Therefore, the question of setting aside the order impugned in this revision does not arise.

3. The learned counsel appearing for the respondent further pointed out that the time for vacating was given in the other Civil Revision Petition only on the explicit understanding that there will not be any default in the payment of rent and he alleges that the rent has not been paid.

4. The learned counsel for the revision petitioner wanted this court to grant time upto 30th March 2019. However, this request cannot be accepted for the simple reason that the petitioner in his undertaking affidavit filed C.R.P.(MD) No.2093 of 2017 wanted time upto 30.11.2018. Therefore, any extension beyond the said date can only cause injustice to the landlord. Therefore, the revision



petitioner is given time to vacate the premises upto 30.11.2018. This is subject to three conditions:

i) The revision petitioner shall file an undertaking affidavit on 03.09.2018. He shall clear the default in the payment of rental arrears by then.

ii) The Demand Draft shall include the payment of rental arrears inclusive of three months rent upto 30.11.2018.

iii) The learned counsel for the revision petitioner on instructions gives an undertaking that the revision petitioner shall not file any application for further extension of time.

5. If the key is not handed over to the landlord on or before 30.11.2018, this Court will initiate *suo motu* contempt proceedings against the revision petitioner.

With the above direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected C.M.P.(MD) No.8219 of 2018 is closed.

Post this matter for reporting compliance on 03.12.2018 before me.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Rent Controller (Principal District Munsif Court), Madurai.
2.The Rent Control Appellate Authority,
(Principal Subordinate Judge), Madurai.

+2cc to Mr.M.PONNAIAH, Advocate, SR.No. 81370,82116
+1cc to Mr.R.VIJAYAKUMAR, Advocate, SR.No.81561

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