

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(NPD) No.2192 OF 2019
and
C.M.P.No.14147 OF 2019

Viswanathan

... Petitioner

Vs.

1. J.Udayakumar

2.U.Balaji

... Respondents

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings Act 18 of 1960 praying to set aside the fair and decretal order of the Appellate authority dated 08.02.2019 in R.C.A.No.360 of 2015 on the file of the VIII Judge Court of Small Causes, Madras (Rent Control Appellate Authority), confirming the order of eviction made in R.C.O.P.No.360 of 2010 dated 30.06.2015 on the file of the XVI Judge Small Causes Court, Chennai, (Rent Controller).

ORDER

This Civil Revision Petition is filed by the petitioner seeking to set aside the fair and decreetal order of the appellate authority in R.C.A.No.360 of 2015.

2. Today when the matter came up for hearing, the petitioner / tenant has filed an Affidavit of Undertaking to the effect that he will vacate and hand over the schedule property on or before 31.03.2020. The proposal is being accepted by the respondents / landlords. The Affidavit of Undertaking reads as under:

"Affidavit of N.Viswanathan

I, N.Viswanathan, son of Nachiappan aged 43 years, running a business at No.10/98 M.C.Road, Chennai-21, do hereby solemnly affirm and sincerely state as follows:

1. I am the petitioner herein and the petitioner in the above C.R.P. I am well acquainted with the facts.

2. I have filed the above C.R.P. against the dismissal of the R.C.A.360 of 2015 dated 08.02.2019 by the Hon'ble VII Judge, Rent Control Appellate Authority, and to set-aside the order of eviction passed in R.C.O.P.No.360 of 2010 dated 30.06.2015 for the following among other.

3. I submit that when a matter came up for final hearing, I had agreed to vacate and hand over the schedule property, the shop in occupation on or before 31.03.2020 and accordingly I was directed to file an affidavit of undertaking to that effect.

4. I submit that in view of the same I will vacate and hand over vacant possession of the schedule property on or before 31.03.2020.

I therefore pray that this Hon'ble Court may please to record my affidavit of undertaking and pass suitable orders as this Hon'ble Court deem fit and thus render justice."

The affidavit filed by the petitioner / tenant shall form part of the record.

3. Accordingly, the Civil Revision Petition is disposed of on the basis of the Affidavit of Undertaking given by the petitioner. No costs. Consequently, connected civil miscellaneous petition is closed.

11.07.2019

Index: Yes/No
Speaking Order/Non Speaking order.

M.GOVINDARAJ, J.

bkn

To

The VIII Judge Court of Small Causes, Madras.

(Rent Control Appellate Authority)



C.R.P.(NPD) No.2192 OF 2019
and
C.M.P.No.14147 OF 2019

WEB COPY

11.07.2019