

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

C O R A M

THE HON'BLE Mr.JUSTICE ABDUL QUDDHOSE

C.R.P.(NPD) No.2737 of 2014 &
M.P.No.1 of 2014

D.Kulasekaran ... Petitioner

Vs.

1.S.Selvakumari
2.S.Amutha
3.Pranitha
4.A.Sudha

... Respondents

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the fair and decretal order dated 17.04.2014 made in R.C.A.No.16 of 2013 on the file of the learned Rent Control Authority-cum-First Additional Sub Court, Erode confirming the fair and decretal order dated 30.03.2012 made in R.C.O.P.No.1 of 2008 on the file of the learned Rent Controller-cum-Principal District Munsif Court, Erode.

For Petitioner ... Mr.N.Manokaran

For Respondents 2 to 4... Ms.Zeenath Begum

ORDER

This petition has been filed against the order dated 17.04.2014 passed by the learned Rent Control Authority-cum-First Additional Sub Court, Erode in RCA.No.16 of 2016 confirming the order

dated 30.03.2012 passed by the learned Rent Controller-cum-Principal District Munsif Court, Erode in RCOP.No.1 of 2008.

2. The petitioner who is the tenant has filed an affidavit of undertaking dated 03.07.2019 duly attested by an Advocate before this Court and the said affidavit of undertaking dated 03.07.2019 is extracted hereunder:

“

AFFIDAVIT OF D. KULASEKARAN

I, D.Kulasekaran, S/o. K.Devarajulu Naidu, aged about 79 years, residing at Vengadusamy Street (Seenian Thottam), Erode - 1, now temporarily come down to Chennai do hereby solemnly affirm and sincerely states as follows:

1. I am the Petitioner herein and in the above Civil Revision Petition. As such I am well acquainted with the facts and circumstances of the case.

2. I submit that the respondents have filed R.C.O.P.No.01 of 2008 on the file of the Rent Controller/Learned Principal District Munsif Court, Erode for eviction under Section 10 (3) (a) (i) of the TN B (L & RC) Act, 1960. The Rent Controller has ordered eviction, by her Judgment and Decree dated 30.03.2012. I have filed R.C.A.No.16 of 2013 on the file of the Rent Control Appellate Authority / Learned First Additional Sub Court, Erode and it was also dismissed on 17.04.2014.

3. I submit that I have filed the above CRP.No.2737 of 2014 on the file of this Hon'ble Court and it is pending. During the Course of hearing, I have taken a decision to vacate and surrender possession on or before 31.12.2019 subject to the payment of rent. I undertake to vacate and surrender the possession without fail to the respondents on 31.12.2019. Therefore, I pray this Hon'ble Court to grant time till 31.12.2019 to vacate and surrender possession to the respondents.

It is, therefore, prayed that this Hon'ble Court may be pleased to record this affidavit of undertaking and dispose of the above CRP.No.2737 of 2014 on the file of this Hon'ble Court and thus render justice.”

As per the said affidavit of undertaking, the petitioner who is the tenant has undertaken to vacate and surrender possession to the respondents who are the landlords of the petition schedule property on or before 31.12.2019 and he also undertakes to pay the agreed monthly rent till that date.

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3. A copy of the said affidavit of undertaking has also been given to the learned counsel for the respondents 2 to 4 and on instructions, she has also made an endorsement in the affidavit of

undertaking given by the petitioner that the respondents have accepted the undertaking given by the petitioner. The petitioner is also present before this Court today.

4. Recording the affidavit of undertaking dated 03.07.2019 filed by the petitioner, the instant civil revision petition is disposed of in terms of affidavit of undertaking and the affidavit of undertaken dated 03.07.2019 shall form part of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet: Yes/No
Speaking/Non-Speaking orders

To

- 1.The Rent Control Authority-cum-First Additional Sub Court, Erode.
- 2.The Rent Controller-cum-Principal District Munsif Court, Erode.

ABDUL QUDDHOSE. J,

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CRP (NPD) No.2737 of 2014

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03.07.2019