

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CRP (NPD)No.2996 of 2014

and
MP No.1 of 2014

John Fernandez ... Petitioner

Vs

K.. Bellaraj ... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Building (Lease and Rent Control), Act 1960 to set aside the judgment dated 03.01.2014 in RCA No.22 of 2012 on the file of the learned Court of the Subordinate Judge and Rent Control Appellate Authority of the Nilgiris at Uthagamandalam in RCOP No.3 of 2008 on the file of the learned Court of the District Munsif of Coonoor, dated 31.10.12.

For Petitioner : Mr.K.F. Manavalan

For Respondent : Mr.N. Damodaran

ORDER

It is represented that both the parties have entered into a Joint Compromise and the same was duly signed by both the parties as well

by the learned counsel on either side. The said Joint compromise Memo, dated 29.08.2019 is filed before this Court, which is extracted hereunder :

JOINT MEMO OF COMPROMISE FILED BY THE PARTIES

The Parties respectfully submit as follows :

1. The Petitioner herein is a tenant (the 'Tenant') with respect to the property bearing D. No.10, Teacher's Colony, Alwarpet, Coonoor, The Nilgiris [the 'Demised Premises'] under the Respondent [the Landlord']
2. The Landlord had initiated eviction proceedings against the Tenant before the Ld. Rent Controller, Coonoor who ordered eviction. The Ld. Appellate Authority confirmed the said order. The present Revision Petition, CRP No.2996 of 2014, was filed against the Learned Rent Control Appellate Authority's order dated 03/01/2014 in RCA No.22 of 2012 confirming the Learned Rent Controller's order dated 31/10/2012 in RCOP No.3 of 2008.
3. Pending the revision proceedings in CRP No.2996 of 2014 in this Hon'ble Court, the parties – in order to amicably resolve the disputes and to give a quietus to the matter – have entered into a compromise, the terms of which are recorded in this 'Memo of Compromise' signed by both the parties, and set out below.
4. The Landlord and the Tenant have agreed that :
 - 4.1 The Tenant shall vacate and hand over peaceful & vacant possession – on an 'as is where is' condition – of the Demised Property bearing D. No.10, Teacher's Colony, Alwarpet, Coonoor,

The Nilgiris to the Landlord herein on or before 30/04/2020 without forcing the Landlord to resort to any further proceedings.

4.2 The Tenant shall pay the monthly rentals at Rs.500/- [Rupees Five Hundred only] p.m., to the Landlord from 01/09/2019 for the Demised Premises before 5th day of every succeeding English Calendar month till he vacates the Demised Premises on 30/04/2020.

4.3 The Landlord shall not make any claim whatsoever or initiate any proceedings however in a court of law / competent authority for arrears of rentals, if any, from the Tenant for the period upto and ending on 31/08/2019 for the Demised Premises.

4.4 The Landlord undertakes that neither he nor any person claiming through or under him shall interfere with the peaceful possession and enjoyment of the Demised Premises by the Tenant till 30/04/2020.

4.5 Both the parties herein expressly agree that if a breach of any of the terms of this compromise, as recorded herein, were to be committed by either of the parties to this Memo of Compromise, then appropriate contempt proceedings may be initiated as against the party who has committed a breach of the terms of this compromise recorded herein in CRP No.2996 of 2014 before this Hon'ble High Court.

It is prayed that the terms of this Memo of Compromise may be taken on file and recorded to form part of the final order that may be passed by the Hon'ble Court in the interests of justice.

Dated at Coonoor/Chennai on this the 29th day of August, 2019.

2. Accordingly, the Civil Revision Petition stands disposed of in terms of joint memo of compromise. The Joint Memo of Compromise shall form part of this order. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2019

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non-speaking Order
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To

1) The Subordinate Judge
and
Rent Control Appellate Authority
Nilgiris at Uthagamandalam

2) The District Munsif,
Coonoor.

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ABDUL QUDDHOSE, J.

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