

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CRP (NPD) NO.2187 OF 2019

AND

CMP NO.14107 OF 2019

K.Hassan

.. Petitioner

Versus

Ghouse Mohideen (died)
G.Mohamed Saleem

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the judgment and decree dated 06.03.2019 passed in R.C.A.No.447 of 2006 on the file of the VII Judge, Court of Small Causes at Chennai, confirming the order and decretal order dated 24.02.2006 passed in R.C.O.P.No.266 of 2005 on the file of the XI Judge, Court of Small Causes at Chennai.

For Petitioner : Mr.K.P.Shanthosh

For Respondent : Mr.M.A.Rua

ORDER

The tenant is the petitioner in this present Civil Revision Petition. After some arguments, learned counsel appearing for the petitioner would submit that the petitioner is willing to vacate and hand over vacant possession to the respondent / landlord provided he is given some time to find out alternative accommodation. He has also filed an affidavit of undertaking dated 09.07.2019 that he will vacate the house on or before 09.01.2020. The affidavit of undertaking dated 09.07.2019 filed by the petitioner reads as under:

"AFFIDAVIT OF UNDERTAKING BY PETITIONER

I, K.Hassan, Son of Babu Sahib, Muslim, aged about 54 years, residing at No.40, Washerman Street, Chintadripet, Chennai, do hereby solemnly affirm and sincerely state as follows:-

1.I am the Petitioner herein and I know the facts of the case.

2.I submit that I filed the above CRP against the

order passed in RCA 447/2006 on the file of VII Judge, Small Causes Court, Chennai dated 6.3.2019. The respondent herein filed the RCOP.266 of 2005 against me for eviction on the ground of Owner's Occupation.

3.I hereby undertake to vacate and hand over vacant possession of the petition portion to the respondent landlord within SIX MONTHS from to-day (10.7.2019 to 09.01.2020).

I therefore pray that this Hon'ble court may be pleased to record my undertaking and Six months time may be granted for vacating the portion and thus render justice."

2. However, learned counsel appearing for the respondent / landlord would submit that giving such a long time to the petitioner is detrimental to the respondent.

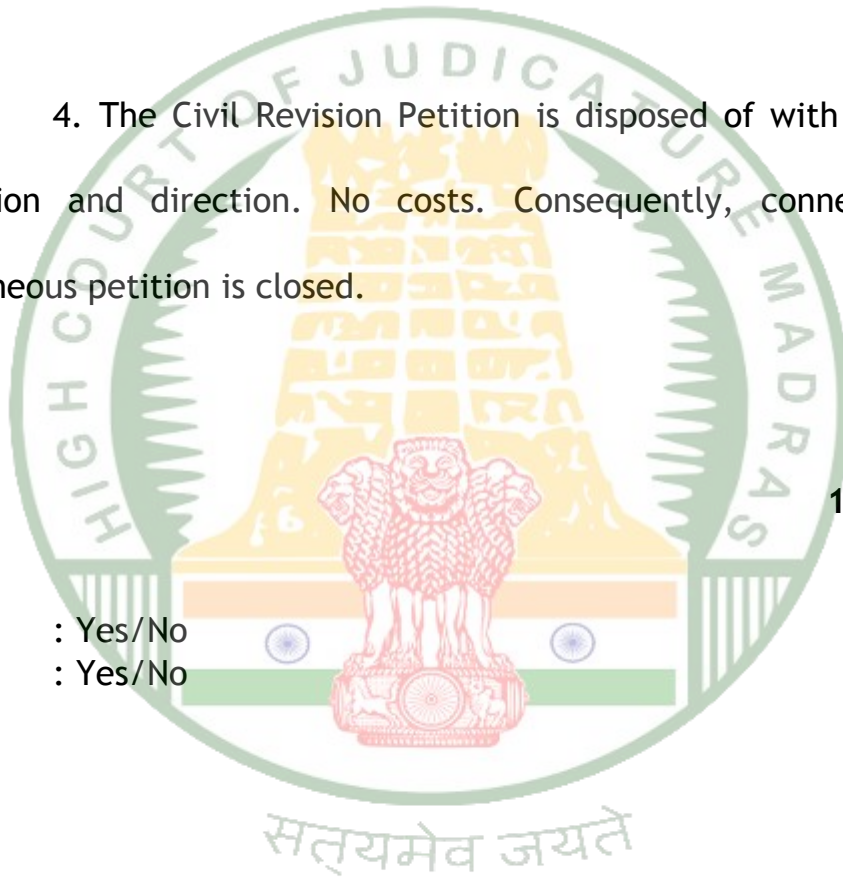
3. Therefore, considering the submissions made by both sides, four months from today is granted to the petitioner to vacate and hand over vacant possession the respondent / landlord. Accordingly, the

petitioner is directed to vacate and hand over vacant possession to the respondent/landlord on or before 10.11.2019. The affidavit of undertaking dated 09.07.2019 filed by the petitioner is taken on record and shall form part and parcel of the order.

4. The Civil Revision Petition is disposed of with the above observation and direction. No costs. Consequently, connected civil miscellaneous petition is closed.

11.07.2019

Index : Yes/No
Internet : Yes/No
TK

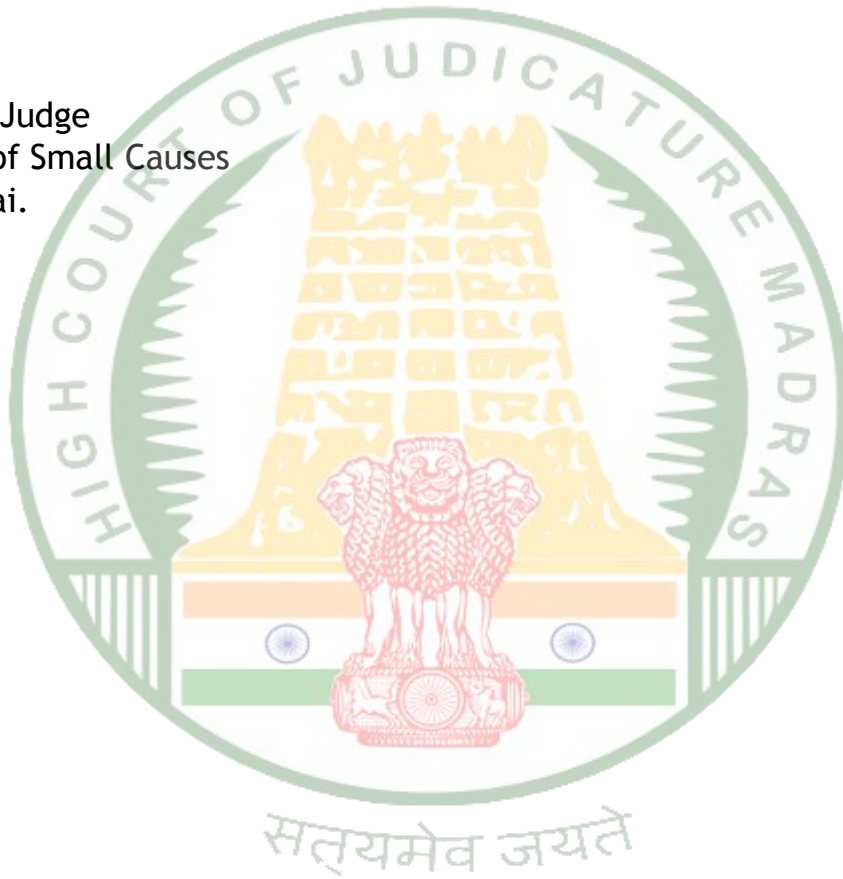


WEB COPY

To

1.The VII Judge
Court of Small Causes
Chennai.

2.The XI Judge
Court of Small Causes
Chennai.



WEB COPY

M.GOVINDARAJ, J.

TK



CRP (NPD) NO.2187 OF 2019

WEB COPY

11.07.2019