

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CRP (NPD) NO.2423 OF 2019

AND

CMP NO.15847 OF 2019

1.B.Suresh Kumar

2.M/s.Shrimans

Both at: Old No.34, New No.63,
Rattan Bazaar Road,
Park Town, Chennai - 600 003.

.. Petitioner

Versus

K.Santhakumari

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 24.04.2019 passed in R.C.A.No.372 of 2016 on the file of the learned VII Judge, Small Causes Court at Chennai, confirming the fair and decretal order dated 31.03.2016 in R.C.O.P.No.2278 of 2012 on the file of the learned XIII Judge, Small Causes Court at Chennai.

For Petitioners : Mr.K.Boopalan
For Respondent : Mr.K.P.Ashok

ORDER

The tenants are the petitioners in this present Civil Revision Petition. After some arguments, learned counsel appearing for the petitioners would submit that the petitioners are willing to vacate and hand over vacant possession to the respondent/landlord on or before 01.02.2020. He has also filed an affidavit of undertaking dated 08.08.2019 that they will vacate and handover the key of the petition premises on or before 01.02.2020. The affidavit of undertaking dated 08.08.2019 filed by the petitioners reads as under:

"AFFIDAVIT OF SURESH KUMAR

I, Suresh Kumar son of Late C.Bhawarilal, Hindu, aged 56 years, carrying on business at Old No.34, New No.63, Ratan Bazaar Road, Park Town, Chennai - 600 003 do hereby solemnly affirm and sincerely and state as follows:-

- 1.I am the petitioner in the main C.R.P.*
- 2.I am well acquainted with the facts of the case.*
- 3.I state that I am a tenant under the respondent having been in occupation of the premises at Old No.34,*

New No.63, Ratan Bazzar Road, Park Town, Chennai - 600 003. The respondent has also filed the petition for eviction on the ground of demolition and construction of the petition premises under Section 14(1)(b) of Tamil Nadu Buildings Lease and Rent Control Act 18/1960 as amended Act 23/1973 and Act 1 of 1980 in R.C.O.P.No.2278/2012 on the file of XIII Judge, Small Causes Court against me and my proprietor concern. The learned Rent Controller allowed eviction petition and ordered eviction. I preferred an appeal in R.C.A.No.372/2016 on the file of the learned VII Judge, Small Causes Court at Chennai against the eviction order passed in R.C.O.P.No.2277/2012. The appellate Court confirmed the order of eviction and dismissed the appeal.

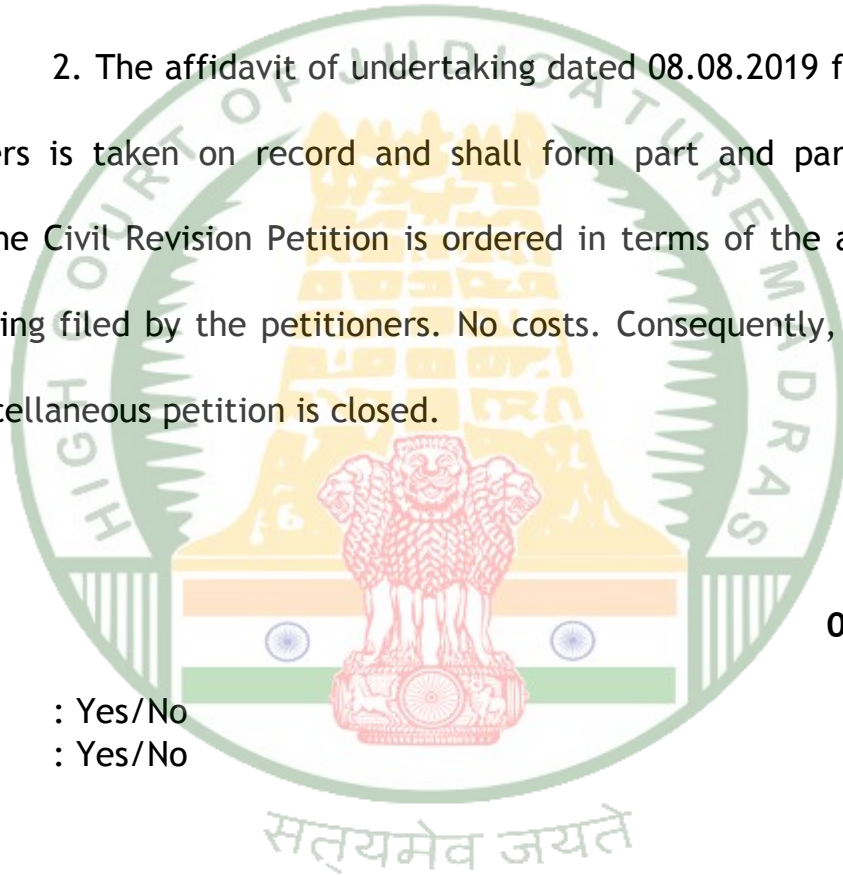
4.I state that I have preferred the above C.R.P.No.2423 of 2016 against the order of the court below. I may be granted time to vacate the petition premises by 31st January 2020. I undertake to handover the key for the petition premises on 1.2.2020 either to the party or to the respondent counsel. So far I have been regularly paying the monthly rent Rs.4500/- to the respondent I undertake to pay Rs.4500/- upto January 2020 without default.

It is therefore prayed that this Hon'ble Court may be pleased to record my undertaking to handover the key of petition premises either to the respondent or to the respondent counsel on 01.02.2020 and thus render justice."

2. The affidavit of undertaking dated 08.08.2019 filed by the petitioners is taken on record and shall form part and parcel of the order. The Civil Revision Petition is ordered in terms of the affidavit of undertaking filed by the petitioners. No costs. Consequently, connected civil miscellaneous petition is closed.

08.08.2019

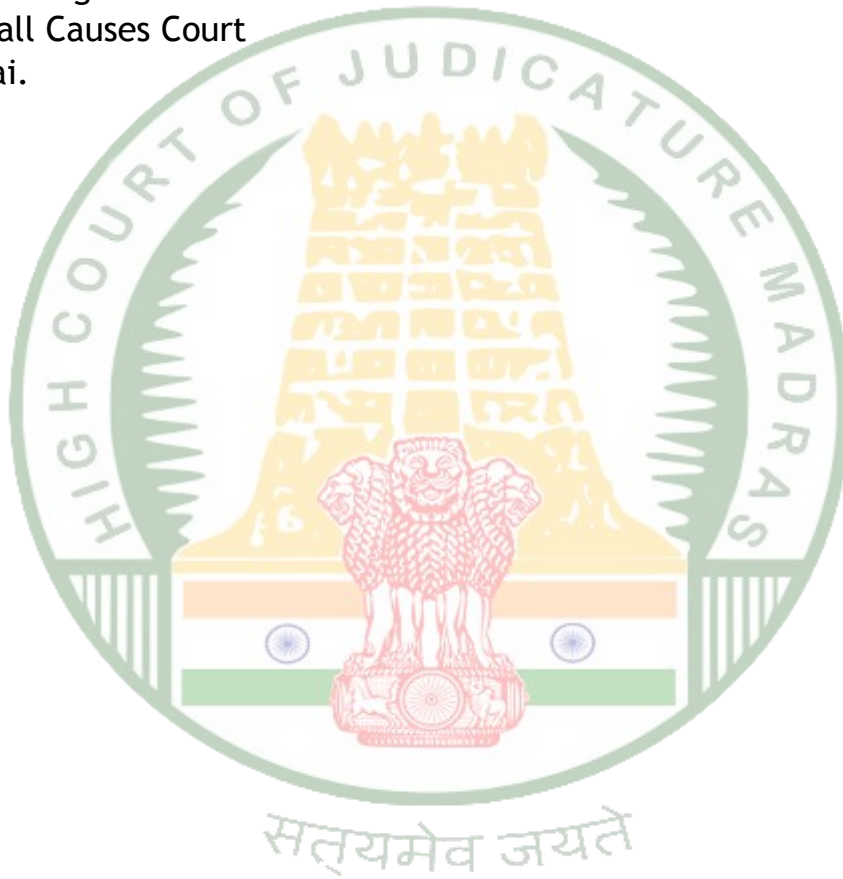
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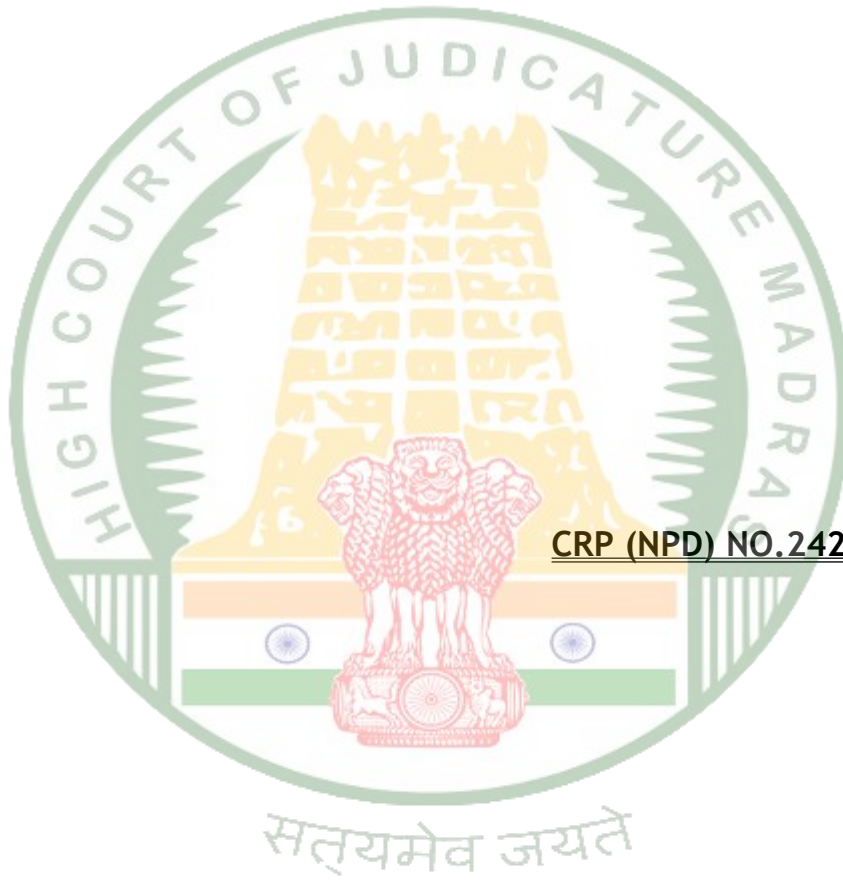
- 1.The VII Judge
VII Small Causes Court
Chennai.
- 2.The XIII Judge
XIII Small Causes Court
Chennai.



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M.GOVINDARAJ, J.

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