

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

C.R.P. (NPD) No. 3287 of 2019

and

C.M.P. No. 21332 of 2019

E.V. Elango ... Petitioner

-Vs-

M. Joyce Premila ... Respondent

**Prayer :** Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 1960 as amended by 1973 and Act of 1980, against the Judgment and Decree in R.C.A. No. 352 of 2017 dated 29.07.2019 passed by the learned VII Small Causes Court at Chennai which was confirmed the Judgment in R.C.O.P. No. 248 of 2016 dated 26.04.2017 passed by the learned XI Judge, Small Causes Court at Chennai.

For Petitioner : Mr. R. Surya Prakash

For Respondent : Mr. G. Ameedius for Caveator

**ORDER**

This Civil Revision Petition has been filed against the Judgment and Decree in R.C.A. No. 352 of 2017 dated 29.07.2019 passed by the learned VII Small Causes Court at Chennai, confirming the Judgment in R.C.O.P. No. 248 of 2016 dated 26.04.2017 passed by the learned XI Judge, Small Causes Court at Chennai.

2. Both the Court below concurrently held the revision petitioner to vacate the premises, as against which, the present revision petition has been filed. When the case came up for last hearing, the learned counsel appearing for the revision petitioner has made a submission that, if three months time is given for vacating the premises, the petitioner would be satisfied.

3. In this regard, the learned counsel appearing for the revision petitioner also wanted to file an undertaking affidavit by the revision petitioner, accordingly time was given till today.

4. Today when the case is taken up for hearing, the learned counsel appearing for the revision petitioner submitted that, the revision petitioner has filed an undertaking affidavit dated 01.11.2019.

5. I have gone through the said undertaking affidavit which reads thus:

*" 1. I am the petitioner herein and the tenant in the above R.C.O.P. and I am well acquainted with the facts and circumstances of the case.*  
*2. I respectfully submit that I prepared the above Civil Revision Petition as against the Judgment and Decree in R.C.A. No. 352 of 2017 dated 29.07.2019 passed by the learned VII Small Causes Court at Chennai which was confirmed the Judgment in R.C.O.P. No. 248 of 2016 dated 26.04.2017 passed by the learned XI Judge, Small Causes Court at Chennai. The above premises I hereby undertake to vacate and handed over the possession to the respondent within a period of three months from today (i.e., 01.11.2019 to 31.01.2020)."*

6. In view of the said solemn undertaking given by the revision petitioner to vacate the building / premises and hand over the vacant possession to the respondent / landlord within a period of three month from today i.e., on or before 31.01.2020, recording the said

**R. SURESH KUMAR, J.**

vji  
undertaking affidavit, this Civil Revision Petition is disposed of with  
the following direction:

" That the revision petitioner shall vacate and hand over  
the vacant possession of the premises / building to the  
respondent / landlord on or before 31.01.2020".

7. Accordingly, this Civil Revision Petition is disposed of.  
Consequently, connected Miscellaneous Petition is also closed. No costs.

01.11.2019

Index: Yes / No  
Speaking order / Non speaking order

vji

To

1. The VII Small Causes Court,  
Chennai.
2. The XI Judge, Small Causes Court,  
Chennai.

**C.R.P. (NPD) No. 3287 of 2019  
and  
C.M.P. No. 21332 of 2019**