

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 05.12.2019

CORAM

**THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN**

C.R.P. NPD 3898 of 2019  
and  
C.M.P. 25730 of 2019

S.A.Magesh ... Petitioner

Versus

G.Shantha Rathnam ... Respondent

**PRAYER** : Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 as amended by Act 23 of 1973, praying to set aside the fair and decretal order passed in R.C.A. No.345 of 2014 on the file of the Appellate Authority, VIII Small Causes Court Judge, Chennai dated 24.09.2019, as confirming the order of the lower court in RCOP No.106 of 2012 dated 10.06.2014 on the file of the XVI Small Causes Judge, Court of Small Causes (Rent Controller), Chennai.

For Petitioner : Mr.M.Kempraj

For respondent : Mr.S.Vasudevan

**ORDER**

This Civil Revision Petition has been filed against the order of eviction.

2. The petitioner is a tenant, and the respondent landlady has filed an eviction petition seeking for eviction on the ground of owners occupation. The Rent Controller has allowed the petition and ordered eviction. Challenging the same, the petitioner has filed an appeal in R.C.A. 345 of 2014, and the Rent Control Appellate Authority after considering the entire materials dismissed the appeal, thereby confirmed the order passed by the Rent Controller. Challenging the above order, the present Civil Revision Petition has been filed.

3. I have heard and considered the submissions made by learned counsel appearing for petitioner as well as learned counsel appearing for respondent and perused the records carefully.

4. Both the courts below, after considering the materials available on record came to a conclusion that, the requirement of the building by the respondent landlady is bonafide one, and ordered eviction. I find no irregularity or illegality in the concurrent findings of both the courts below and I do not find any merit in this Civil Revision Petition, and the same is liable to be dismissed.

5. At this stage, Mr.M.Kemprij, learned counsel appearing for petitioner would submit that, he is doing business in the demised premises. Hence, he needs sufficient time to vacate the premises. The petitioner has also filed an undertaking affidavit stating that, he will vacate, and hand over the possession to the respondent within a period of nine months. He is also ready and willing to pay the monthly rent of Rs.7,200/. The petitioner has further stated that, already, he has paid a sum of Rs.2,30,000/- as security deposit, and that amount may be refunded to him at the time of handing over the possession. The relevant portion of the undertaking affidavit is extracted below :-

*“5. I hereby undertake to vacate and hand over the property to the respondent within 9 months in a peaceful manner and I also undertake to pay the monthly rent of Rs.7,200/- till the period of vacating the premises. I further submit that the respondent may be directed to reimburse the sum of Rs.2,30,000/- paid by me as security deposit and rental advance for the premises under my occupation, at the time of vacating and handing over the keys of the property under my occupation to the respondent.”*

For which, the learned counsel appearing for respondent has no objection.

6. Considering the above request, and recording the undertaking affidavit filed by the petitioners, this Civil Revision Petition stands dismissed. The petitioner is directed to vacate the premises, and hand over possession to the respondent/landlady on or before 05.09.2020. Till then, the petitioner is directed to pay a monthly rent of Rs.7,200/- without any default. At the time of vacating the premises, the respondent landlady is directed to

refund a sum of Rs.2,30,000/-, which was paid as security deposit to the petitioner. No costs. Consequently, the connected Civil Miscellaneous Petition in C.M.P. 25730 of 2019 is closed.

**05.12.2019**

Index : Yes/No  
Internet: Yes/No  
Speaking/Non Speaking order  
rpp

To

VIII Small Causes Court,  
(Rent Control Appellate Authority),  
Chennai.



WEB COPY

**V.BHARATHIDASAN,J.**

rpp



C.R.P. NPD 3898 of 2019  
and  
C.M.P. 25730 of 2019

**05.12.2019**

WEB COPY