

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. NPD 3813 of 2019
and
C.M.P. 25047 of 2019

1. B.A.S.Rajappa
2. R.Immaculate

... Petitioners

Versus

Mrs. Heather D'Couto

... Respondent

PRAYER : Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act as amended by Act 23 of 1973 and by Act 1 of 1980, praying to set aside the judgment and decree dated 27.09.2019 passed by the learned IX Judge, Court of Small Causes, Chennai (Rent Control Appellate Authority), in R.C.A No.747 of 2018, confirming the fair and decretal order dated 31.08.2018 passed by the learned XVI Judge, Court of Small Causes, Chennai (Rent Controller) in RCOP No.417 of 2017.

For Petitioners : Mr.Ashok Menon

For respondent : Mr.N.Premkumar

ORDER

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

2. The respondent landlord filed a petition seeking for eviction on the ground of willful default. The learned Rent Controller has allowed the petition and ordered eviction. Challenging the same, the petitioners have filed an appeal in R.C.A. 747 of 2018, 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 petitioners as well as learned counsel appearing for respondent and perused the records carefully.

4. Both the courts below, after considering the entire materials available on record, have concurrently held that, the petitioner tenants have committed willful default in payment of rent, and ordered eviction. I have also carefully considered the materials, and I do not find any irregularity or illegality in the concurrent findings of both the courts below. I do not find any merit in this Civil Revision Petition.

5. At this stage, the learned counsel appearing for petitioners would contend that, the petitioners are ready to vacate the shop premises, and hand over the possession. Hence, sufficient time may be given to them. The learned counsel has also filed an undertaking affidavit filed the petitioners stating that, they will vacate and hand over the possession to the respondent landlord on or before 30.06.2020. 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 petitioners are directed to vacate

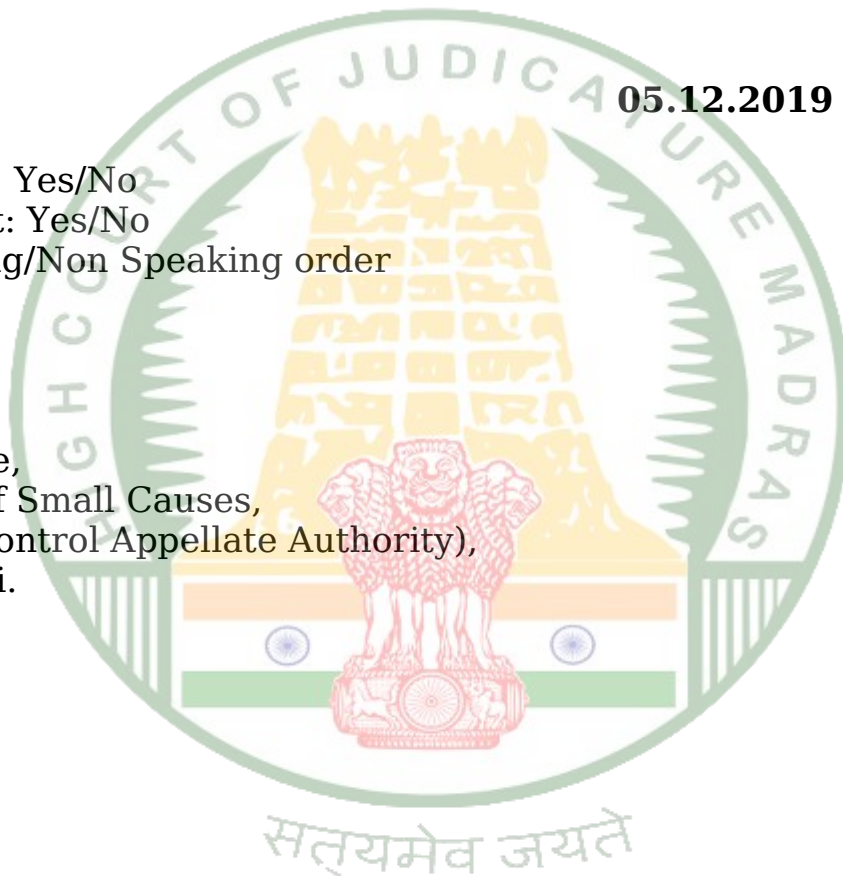
the premises and hand over the possession to the respondent/landlord on or before 30.06.2020. No costs. Consequently, the connected Civil Miscellaneous Petition in C.M.P. 25047 of 2019 is closed.

05.12.2019

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

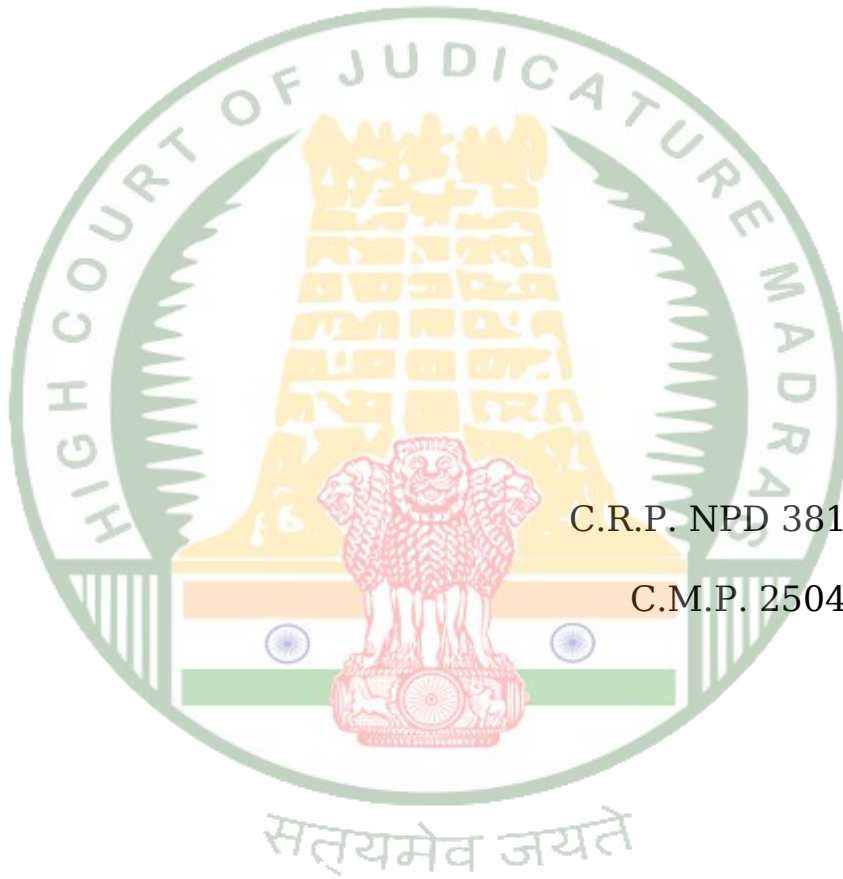
IX Judge,
Court of Small Causes,
(Rent Control Appellate Authority),
Chennai.



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V.BHARATHIDASAN,J.

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