

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.4018 of 2019

and

C.M.P.No.26393 of 2019

M.Ranjan

.. Petitioner/Tenant

Vs.

S.Kaladevi

.. Respondent/Landlord

Prayer: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the fair and decreetal order dated 22.10.2019 made in R.C.A.No.258 of 2019 on the file of the learned IX Judge, Court of Small Causes, Chennai filed against in R.C.O.P.No.945 of 2017 on the file of the learned XII Judge, Court of Small Causes, Chennai dated 12.04.2019.

For Petitioner : Mr.M.Appaji

For Respondent : Mr.S.Veeraraghavan

O R D E R

This revision has been filed against the order of eviction passed by the learned Rent Control Appellate Authority.

2. Earlier, the respondent/landlord filed a petition in R.C.O.P.No.945 of 2017, for eviction under Sections 10(2)(ii) (b), 10(2)(v) and 10(3)(a)(i) on the ground of own use and occupation, different user and nuisance. The learned Rent Controller allowed the petition on all the three grounds and ordered eviction. Challenging the same, the petitioner/tenant filed R.C.A.No.258 of 2019 on the file of the learned Rent Control Appellate Authority. The learned Rent Control Appellate Authority after considering the entire materials on record, confirmed the order of eviction and dismissed the appeal. Now challenging the same, the present revision has been filed.

3. I have heard the learned counsel appearing for the

parties and perused the records carefully.

4. Both the Courts below have concurrently held that even though the premises has been originally let out for residential purpose, the petitioner/tenant started using it for commercial purpose, running a travel agency. There is also an admission by the petitioner/tenant that the premises has been used for business purposes, and as he is owning 28 cars, the drivers usually visited the residence of the petitioner/tenant and parked the cars in the street, there by causing nuisance. The said fact is also not denied by the petitioner/tenant. Considering the materials available on record, both the Courts below have concurrently ordered eviction and this Court do not find any illegality or irregularity in the same. There is no merit in the revision and the same is liable to be dismissed.

5. In the result, the civil revision petition is dismissed and the fair and decretal order of the Court below, impugned in this revision petition, are hereby confirmed. At this stage, the learned counsel appearing for the petitioner/tenant submitted that since petitioner was in possession for a long number of years, he requires three months time to vacate the premises and he has also filed an undertaking affidavit to the said effect. In the said affidavit dated 18.12.2019, the petitioner has stated as follows:

"3. It is submitted that as my children are studying in school, i am not in a position to vacate the premises right now. I require 3 months to vacate from the premises. I undertake to abide by the assurance. I shall vacate the premise and handover vacant possession to the respondent within three months from today."

6. In the light of the above, the petitioner/tenant is directed to vacate the premises and handover vacant possession to the respondent/landlord on or before 31.03.2020. The undertaking affidavit filed by the petitioner dated 18.12.2019, shall form part of the record. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The IX Judge,
Court of Small Causes,
Chennai.

2.The XII Judge,
Court of Small Causes Chennai

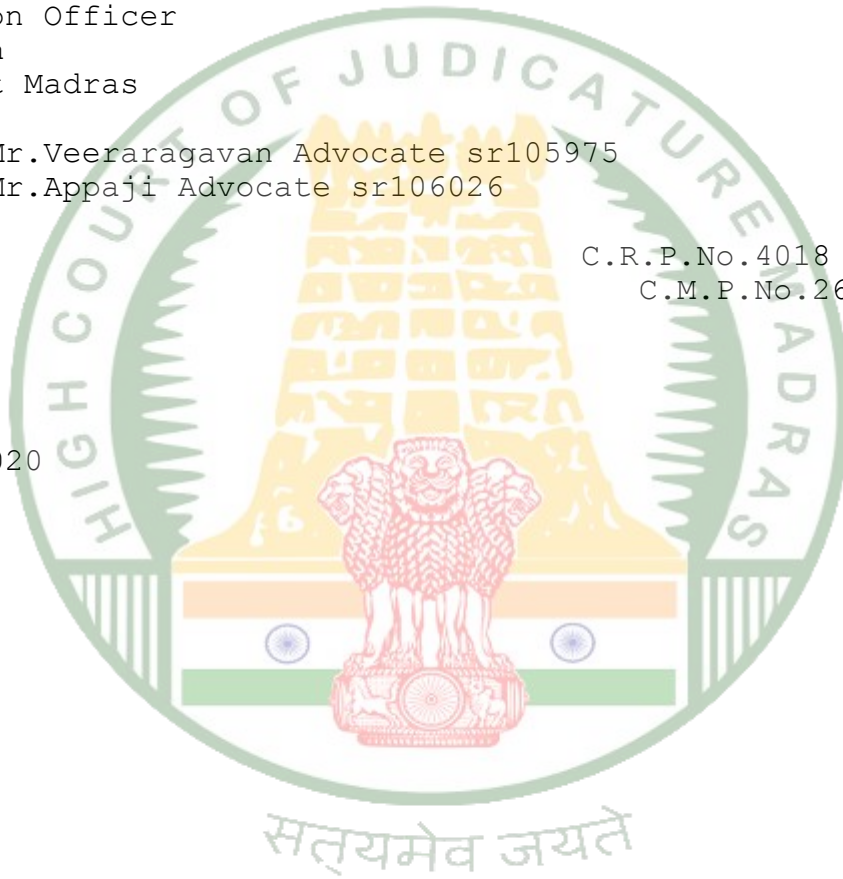
Copy to

The Section Officer
VR Section
High Court Madras

+1 cc to Mr.Veeraragavan Advocate sr105975
+1 cc to Mr.Appaji Advocate sr106026

C.R.P.No.4018 of 2019 and
C.M.P.No.26393 of 2019

mg(co)
aa07/12/2020



WEB COPY