

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (NPD) No. 3761 of 2018

and

C.M.P. No. 20961 of 2018

E.Sree Kumaran,
Proprietor, N.Ethirajan & Sons,
Two Shop Poritons at Plot No.50A,
Thayalu Nagar Main Road,
Kolathur, Chennai - 600099.

...Petitioner

Vs

1. K.Gopinath

2. K.Narayanasamy

...Respondents

Prayer: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act, 18 of 1960 as amended by Act 23 of 1973 to set aside the Judgement and Decree dated 26.09.2018 made in RCA.No.505 of 2016 on the file of learned VIII Judge, Small Causes Court (Rent Control Appellate Authority) at Chennai, confirming the Judgement and Decretal order dated 30.09.2016 made in RCOP.No.488 of 2012 on the file of the learned XIV Judge, Small Cause Court (Rent Controller), Chennai.

For Petitioner : Mrs.Kala Ramesh
for Mr.P.Rajendra Kumar

For Respondents : Mr.R.Natarajan

ORDER

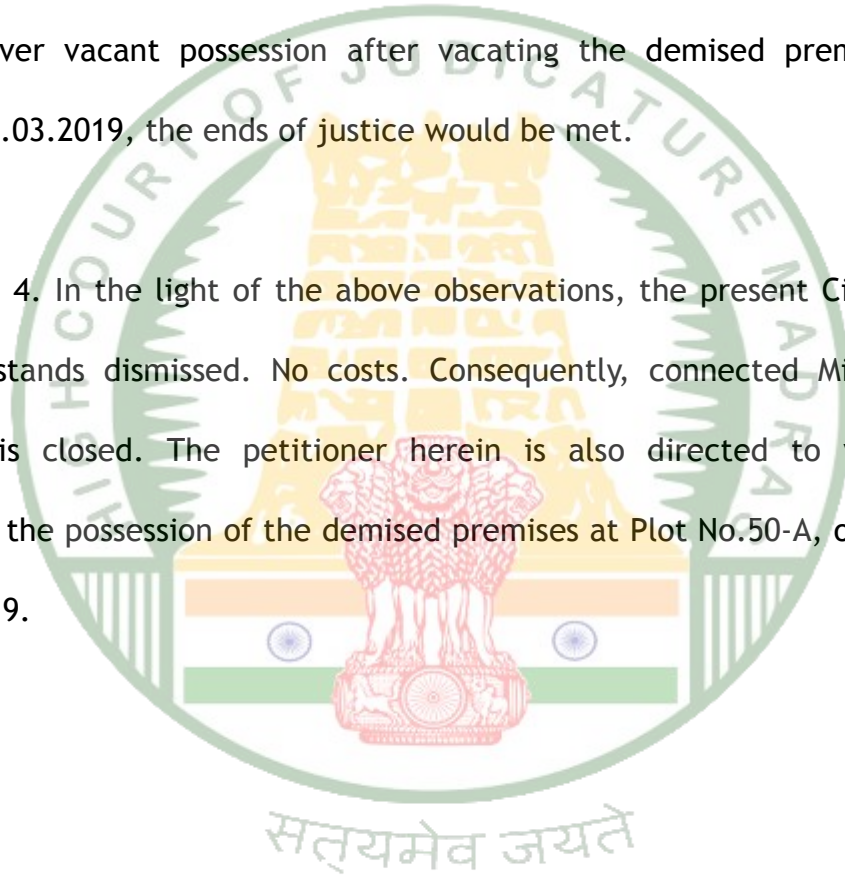
Though the learned counsel for the petitioner has raised several grounds challenging the eviction order in RCA.No.505 of 2016, confirming the earlier eviction order passed by the learned Rent Controller in RCOP.No.488 of 2012, the learned counsel for the petitioner submitted that he is not pressing any of the grounds raised therein and he would be satisfied if an order is passed permitting him to retain the demised premises for a period of six months. The petitioner herein had filed an affidavit dated 28.11.2018 undertaking to vacate the premises by 01.05.2019.

2. The learned counsel for the respondents, on the other hand, on instructions, submitted that though certain conditional orders were passed earlier requiring the petitioner to deposit a portion of the rental arrears, the order has not been complied till date. Even otherwise, the petitioner had already been granted one month from the date of filing of the affidavit and that a further period till 31.03.2019 could be given for the petitioner to handover the vacant possession.

3. It is seen that the affidavit was filed on 28.11.2018 before this

Court and the petitioner has sought time, till 30.04.2019. The respondents have also agreed that the petitioner can retain possession, till 31.03.2019. The difference is only one months' time and since already one month has elapsed after filing of the affidavit, I am of the view that if the petitioner is directed to handover vacant possession after vacating the demised premises on or before 31.03.2019, the ends of justice would be met.

4. In the light of the above observations, the present Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. The petitioner herein is also directed to vacate and handover the possession of the demised premises at Plot No.50-A, on or before 31.03.2019.



07.01.2019

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Index:Yes/No

Speaking Order: Yes/No

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M.S.RAMESH.,J

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