

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 04..12..2019
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.4344 of 2018
and
C.M.P.No.23735 of 2018

B.Dillip Kumar ... Petitioner/Respondent/Respondent

-Versus-

K.Nandagopal Chetty ... Respondent/Appellant/Petitioner

Petition filed under Section 25 of the TN Lease and Rent Control Act 1960, as amended by Act 23 of 1973 and Act 1 of 1980, praying to set aside the order dated 03.09.2018 made in R.C.A.No.277 of 2013 by the learned VII Judge, Court of Small Causes (Rent Control Appellate Authority), Chennai, reversing the fair and decretal order dated 09.01.2013 made in R.C.O.P.No.1807 of 2009 by the learned XIII Judge, Court of Small Causes (Rent Controller), Chennai.

For Petitioner : Mr.Sandeep S.Shah

For Respondent : Mr. A.Chidambaram

ORDER

The petitioner is the tenant and the respondent is the landlord. This revision petition challenges the order of eviction passed by the learned rent control appellate authority reversing the order of the learned rent controller .

2. Earlier notice was ordered to the respondent. Today, when the matter is taken up for hearing, the learned counsel for the petitioner and the learned counsel for the respondent submitted that pending revision petition, both the parties settled the dispute between themselves amicably and they have also reduced the terms of compromise into writing. The terms of compromise dated 04.12.2019 entered into between the parties read as follows:-

"The petitioner / tenant has agreed and undertaken to vacate and hand over the tenanted portion to the respondent/landlord on or before 31.03.2020.

The respondent/land lord in view of getting possession by 31.03.2020 has agreed to

give up the claim of fixation of fair rent in R.C.O.P.No.2065 of 2009 which is also the subject matter of CRP in C.R.P.No.1878 of 2018 filed by the tenant/respondent.

If the petitioner/tenant does not hand over vacant possession by 31.03.2020, then, the respondent/land lord will be entitled to claim the fair rent.

The petitioner/tenant hands hands over vacant possession by 31.03.2020, then, in that case, either of the party will have no claim against each other.

The petitioner/tenant has also filed separate affidavit of undertaking along with this compromise memo which may be recorded.

The above C.R.P. may be disposed of in terms of the above compromise memo and compromise memo may form part of the order."

3. The learned counsel for the petitioner and the learned counsel for the respondent producing the joint compromise memo entered into between the petitioner and the respondent prayed this court to dispose of the revision petition in terms of the compromise.

4. The learned counsel for the petitioner has also filed an affidavit of undertaking sworn to by the petitioner undertaking to vacate the premises and hand over the vacant possession on or before 31.03.2020.

5. The petitioner and the respondent are present. On enquiry, they admitted that they entered into a compromise and the respondent agreed to vacate the premises in question and handover the possession of the same by 31.03.2020.

6. In the light of the above, this revision petition is disposed of in terms of the joint compromise entered into between the petitioner and the respondent. The joint memo of compromise dated 04.12.2019 entered into between the petitioner and the respondent shall be part and parcel of the decretal order. The affidavit filed by the petitioner shall form part of the record. No costs. Consequently, connected CMP is closed.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

kmk

Enclose: Xerox Copy of Compromise Memo.

To

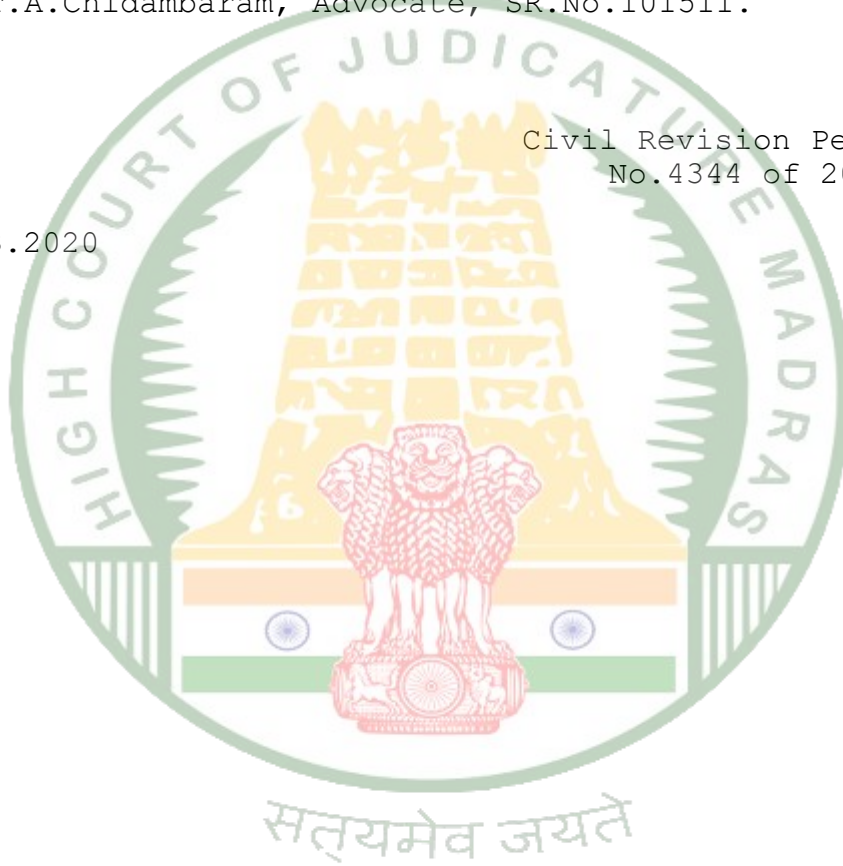
1.The VII Judge,Court of Small Causes (Rent Control Appellate Authority), Chennai,

2.The XIII Judge, Court of Small Causes (Rent Controller), Chennai.

+1cc to Mr.A.Chidambaram, Advocate, SR.No.101511.

Civil Revision Petition
No.4344 of 2018

RR(CO)
CSR: 11.03.2020



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