

C.R.P(NPD).No.549 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.R.P(NPD).No.549 of 2020
and
C.M.P.No.2826 of 2020

D.Saroja

... Petitioner

Vs.

G.Devaraj

... Respondent

PRAYER : Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (as amended) praying to set aside the judgment and decree dated 06.11.2019 made in R.C.A.No.172 of 2015 on the file of the VII Judge Court of Small Causes, Chennai confirming the fair and decretal order dated 12.02.2015 made in R.C.O.P.No.592 of 2013 on the file of the XV Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.C.Ramesh

For Respondent : Mr.V.Bhiman

ORDER

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

2. The petitioner is the tenant. The respondent/landlord filed a petition in RCOP NO.592 of 2013 on the file of the XV Court of Small Causes, Chennai for eviction and the same was allowed on 12.02.2015. Challenging the same, the petitioner/tenant filed an appeal in RCA.No.172 of 2015 on the file of the VII Court of Small Causes , Chennai and the appellate authority, after considering the materials dismissed the appeal, thereby, confirming the order of eviction passed by the rent controller. Now, challenging the same, present revision has been filed.

3. Heard the learned counsel for the petitioner and perused the materials available on records carefully.

4. Both the Courts below, after considering the materials in proper perspective, came to the conclusion that the premises is required bonafidely for owner's occupation and ordered eviction. I

have also carefully gone through the entire materials. I find no illegality or irregularity in the order passed by the Court Below and I find no merit in the revision.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6. At this stage, the learned counsel for the petitioner would submit that he is doing a business in the premises, and it is difficult for him to find a place and request one year time to vacate the premises and also filed an undertaking affidavit. The relevant portion of the affidavit reads as follows:

" I am therefore filing this Affidavit of undertaking to vacate and handover vacant possession of the shop forming the subject matter of R.C.O.P.No.592 of 2013 on the file of XV Judge, Court of Small Causes, Chennai to the respondent/landlord on or before 18.02.2021 and continue to pay the existing rent. I therefore pray that this undertaking given by me may be recorded and time may be granted till 18.02.2021 to vacate and handover vacant possession. "

7. The learned counsel for the respondent has no serious objection for the same.

8. Recording the above undertaking affidavit, the petitioner is directed to vacate and hand over the possession to the respondent/landlord on or before 18.02.2021.

18.02.2020

Index:Yes/No
Internet:Yes
Speaking/Non-speaking order

mrp

To

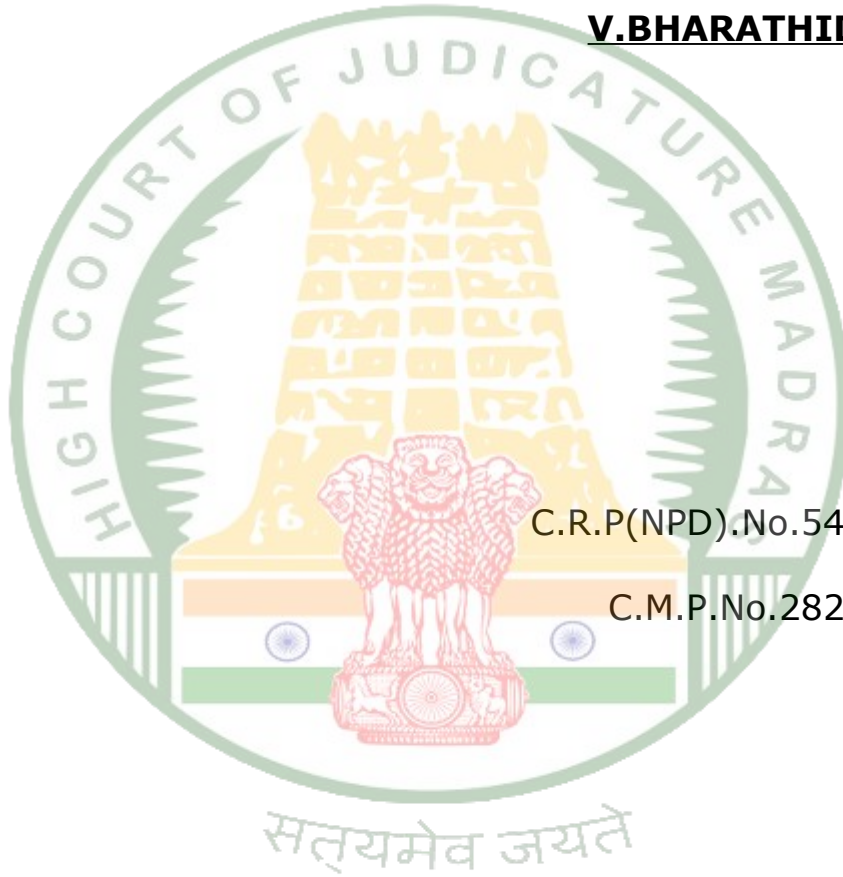
1. The VII Judge,
Court of Small Causes,
Chennai

2. The XV Judge,
Court of Small Causes, Chennai.

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V.BHARATHIDASAN, J

mrp



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