

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P.NPD 596 of 2020

and

C.M.P. 3094 of 2020

P.Rajakrishnamurthy

... Petitioner

Versus

S.Dayakar Reddy

... Respondent

PRAYER : Civil Revision Petition is filed under Sec.25(1) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, praying to set aside the order and decreetal order passed by the XIV Small Causes Judge, Chennai in R.C.O.P. 175 of 2015 dated 02.04.2018 confirming the order and decreetal order passed by the VII Judge of Small Causes, Chennai in R.C.A. 601 of 2018 dated 08.11.2019.

For Petitioner : Mr.M.Prabhakar

For Respondent : Mr.P.Subba Reddy

ORDER

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

2. The petitioner is a tenant. The respondent landlord filed a petition for eviction on the ground of willful default in payment of rent in R.C.O.P. 175 of 2015, on the file of XIV Small Causes Court, Chennai. The learned Rent Controller has allowed the petition and ordered eviction. Challenging the same, the petitioner/tenant has filed an appeal in R.C.A. 601 of 2018 on the file of VII Small Causes Court, Chennai. The appellate authority has also concurred with the findings of Rent Controller, has dismissed the appeal, thereby confirmed the order passed by Rent Controller. Challenging the same, the present Civil Revision Petition has been filed.

3. I have considered the rival submissions made by learned counsel appearing for petitioner and perused the records carefully.

4. Both the authorities, after considering entire materials, have concurrently held that, the petitioner/tenant has committed willful default, and ordered eviction. I find no illegality or

irregularity in the order passed by the court below, and I find no merit in this Civil Revision Petition.

5. At this stage, Mr.M.Prabhakar, learned counsel appearing for petitioner submitted that, since the petitioner is doing business, he cannot find a suitable place immediately, and he seeks one year time to vacate and hand over possession. He has also filed an undertaking affidavit to that effect, which reads as follows :-

"I submit that the respondent filed the Execution Petition in E.P. No.301 of 2018 on the file of the XIV Court of Small Causes and if any delivery is ordered, a serious prejudice and hardship will be caused to me. I hereby agreed and undertake that I will hand over the vacant possession the petition premises on or before 31.03.2021. Meanwhile, amenities may be restored."

Mr. P.Subba Reddy, learned counsel appearing for respondent has submitted that, he has no objection for the same.

6. Considering the undertaking affidavit given by the petitioner, the petitioner is directed to vacate and hand over

possession to the respondent landlord on or before 31.03.2021. Mr.M.Prabhakar, learned counsel appearing for petitioner would contend that, now, basic amenities viz., electricity and water connection have been disconnected by the landlord, that may be restored. Mr.P.Subba Reddy, learned counsel appearing for respondent submitted that, he has not disconnected the electricity and water connection, since the petitioner himself has kept the premises under lock and key. In the above circumstances, if at all, the petitioner wants electricity and water connection, he is entitled to get it restored on payment of any arrears to be paid to the concerned department.

7. In the result, this Civil Revision Petition stands dismissed with the above direction. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

28.02.2020

Index : Yes/No

Internet: Yes/No

Speaking/Non Speaking order
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Note : Issue order copy on 04.03.2020

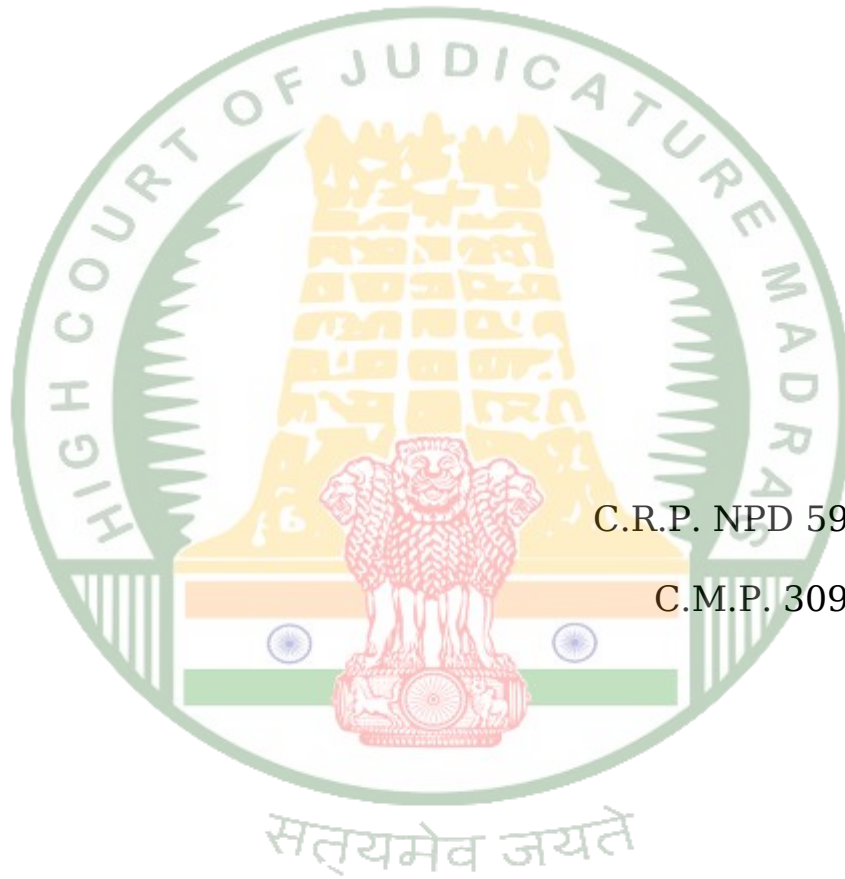
To

XIV Judge,

Court of Small Causes, Chennai.

V.BHARATHIDASAN,J.

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