

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (NPD) 239 of 2020

and

CMP No.1245 of 2020

P. Duraisamy

...Revision Petitioner

Versus

Nallammal (died)

1. Arumugam

2. Veerappan

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the Fair and Decretal order dated 03.01.2020 made in R.E.P.No.2 of 2009 in R.C.O.P. No.2 of 2000, on the file of Rent Controller, Namakkal / Principal District Munsif Court.

For Petitioner : Mr.S. Senthil

For Respondents : Mr. N. Subbarajulu for R1

ORDER

This Civil Revision Petition has been filed against the order passed by the Execution Court granting delivery of possession.

2. The petitioner is a tenant. Earlier, the respondent/landlord filed a Petition for eviction. Eviction was ordered, which was also confirmed by this Court in CRP No.1110 of 2009 dated 12.12.2017. Thereafter, the respondent/landlord filed an Execution Petition, wherein delivery has been ordered. Now, challenging the same, the present Revision Petition has been filed.

3. Earlier, when the matter came up for hearing, the learned counsel appearing for petitioner/tenant would submit that, there are about 90 students studying in the Tutorial college, being run by the petitioner, in the above premises. Since the Public Examinations are going to commence from the first week of March 2020, he requires time till May 2020 to vacate the premises, and he is also willing to file an undertaking affidavit before this Court to that effect.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for petitioner has filed an affidavit of undertaking stating that, he will vacate and hand over the premises to the respondent/landlord on or before 01.06.2020. The relevant portion in the said affidavit is extracted hereunder:

"I submit that, I am undertaking to obey the order of the Rent

Control Authority, once the academic year and exams are

completed, by voluntarily vacating the premises and handing over the possession of the property to the respondents on 01.06.2020."

5. Considering the circumstances and also the Undertaking Affidavit filed by the petitioner to vacate the premises on or before May 2020, this Civil Revision Petition is dismissed with a direction to the petitioner to vacate and hand over the possession of the petition mentioned property on or before 01.06.2020. No costs. Consequently, connected miscellaneous petition is closed.

25.02.2020

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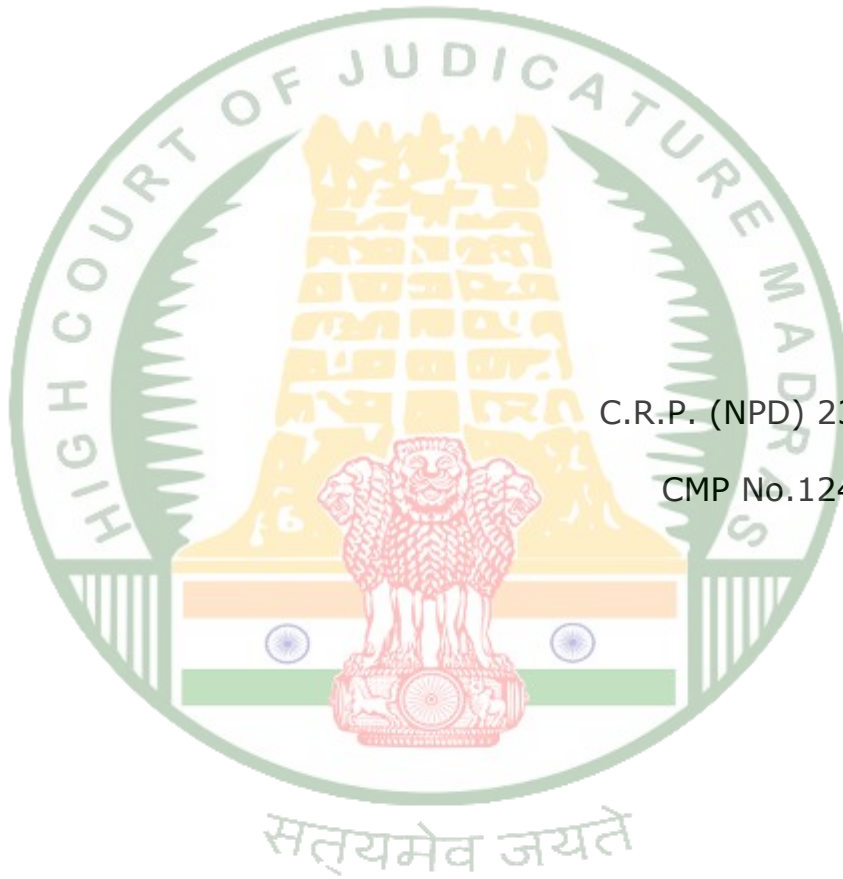
To

Rent Controller/Principal District Munsif Court,
Namakkal.

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V.BHARATHIDASAN,J.

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