

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P.NPD 402 of 2020
and
C.M.P. 2115 of 2020

A.Krishna

... Petitioner

Versus

M.J.Sivasachidanandam

... Respondent

PRAYER : Civil Revision Petition is filed under Sec.25 of Tamil Nadu Buildings (Lease and Rent Control) Act, praying to set aside the judgment and decree dated 29.11.2019 in R.C.A. 141 of 2013 on the file of IX Judge, Court of Small Causes, Chennai confirming the judgment and decree in R.C.O.P. 2600 of 2008 dated 27.02.2013 on the file of XV Judge Small Causes Court, Chennai.

For Petitioner : Mr.N.Baskaran

For Respondents : Mr.V.Meenakshi Sundaram

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 owner's occupation. The learned Rent Controller, after considering the evidence and materials available on record, allowed the petition, and ordered eviction. Challenging the same, the petitioner tenant has filed an appeal in R.C.A. 141 of 2013. The learned Rent Control Appellate Authority has also concurred with the findings of Rent Controller, and 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 as well as learned counsel appearing for respondent and perused the records carefully.

4. Both the courts below after considering the entire materials, came to a conclusion that, the premises is wanted for

own occupation of respondent landlord, and the requirement of landlord is bonafide one. On perusal of records, I do not find any reason to interfere with the concurrent finding of both the authorities, and I find no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed.

5. Mr. N.Baskaran, learned counsel appearing for petitioner would submit that, since the petitioner is doing business, he requires one year time to vacate the premises, and today, he has also filed an undertaking affidavit stating that, the petitioner tenant will vacate and hand over the possession of premises to the respondent landlord on or before 01.03.2021, and he will undertake to pay the rent to the respondent landlord. The relevant portion of undertaking affidavit is extracted hereunder:-

"I state this Hon'ble Court after hearing my counsel was pleased to grant one year time upto 28.02.2021. I undertake to vacate and hand over vacant possession to the respondent landlord and 01.03.2021. I undertake to pay the rent to the respondent landlord till I vacate and handed over the vacant possession. My undertaking may be recorded in the above C.R.P."

and pray for time till 28.02.2021 and to pass such other orders as this Hon'ble Court deem fit and proper."

6. Recording the above undertaking affidavit, the petitioner is permitted to occupy the premises till 01.03.2021, and he is further directed to vacate and hand over possession to the respondent landlord on or before 01.03.2021. The petitioner is also directed to continue to pay the rent without any default. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27.02.2020

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To

IX Judge,
Court of Small Causes,
Chennai.

V.BHARATHIDASAN,J.

rpp



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