

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

CRP(NPD).Nos. 943 of 2020

1. Col. Uthaya Kumar Dwight

2. Marjore Rohini Dwight

..Petitioners

Vs

1.Lathika R.Mathews

2.Ajeev Mathews

3.Major (Dr.) Rini R.Mathews

.. Respondents

Prayer: Civil Revision Petition is filed under Section 25 of Tamil Nadu Lease and Rent Control Act against the fair and decreetal order dated 20.11.2019 made in RCA.No. 108 of 2019 on the file of IX Small Causes Court (Rent Control Appellate Authority) Chennai by confirming the fair and decreetal order dated 02.01.2019 made in RCOP.No. 219 of 2018 on the file of XIV Small Causes Court, Chennai.

For Petitioners : M/s.V.Balasubramanian

For Respondents : Mr.P.B.Ramanujam

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 20.11.2019 made in RCA.No. 108 of 2019 on the file of IX Small Causes Court (Rent Control Appellate Authority) Chennai by confirming the fair and decreetal order dated 02.01.2019 made in RCOP.No. 219 of 2018 on the file of XIV Small Causes Court, Chennai.

2. Brief facts of the case is that the respondents herein are the owners of the petition mentioned property and the petitioners herein are tenants in the said property. Due to misunderstanding, after the period of agreement, the respondents are requested the petitioners to vacate the premises, since they have not vacated, the respondents have filed RCOP.No. 219 of 2018 before the XIV Judge, Small Causes Court, Chennai for eviction. The trial Court/rent controller has passed the eviction order dated 02.01.2019. Against the said order of eviction, the petitioner herein have preferred an appeal in RCA.No. 108 of 2019 and the same was dismissed by the appellate court. Aggrieved by the same, the present Civil Revision Petition

is filed.

3. Heard the learned counsel appearing for the revision petitioners and the learned counsel appearing for the respondents and perused the documents available on record.

4. The learned counsel for the petitioners brought to the notice of this Court that on the last date of hearing (06.03.2020) this Court was of the view to consider for granting time for vacating the premises. Accordingly, they have filed the Affidavit of Undertaking dated 11.02.2020 before this Court today to the effect that they will vacate the premises on or before 31.12.2020 and handover the possession to the respondents. The relevant portion of the affidavit is extracted hereunder;

“

3. Aggrieved by the orders of the lower court the CRP.943 of 2020 came up for admission before the Hon'ble High Court on 06.03.2020. The Hon'ble High Court refused interfere on concurrent finding of eviction and the Hon'ble High Court was considerate in granting time for vacating the premises.

4. The counsel for the respondent also agreed to grant time till 31st

December 2020, provided the petitioners file an affidavit of undertaking. In due reverence to the Hon'ble High Court the petitioners undertake to vacate the premises by 31st December 2020 and hand over possession to the respondents.

5. The petitioners are paying the rent regularly and they have paid a sum of Rs.55,000/- as advance which the respondents have to return at the time of handing over possession.

6. The petitioners undertake to pay the rent regularly without any default and keep the petition premises in a tenantable condition. This undertaking is filed as per the orders of the Court. The 2nd respondent being the wife sice she has also been made as a party to the proceedings, the affidavit of undertaking is filed by the 1st petitioner who is the husband of the 2nd petitioner on behalf of the 2nd petitioner also."

5. Recording the statement made in the said affidavit of undertaking dated 11.02.2020, the Civil Revision Petition is disposed of. No costs. The affidaivt of under taking dated 11.02.2020 shall form part of the order.

6. Registry is directed to list the case for reporting compliance during 1st week January'2021.

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12.03.2020

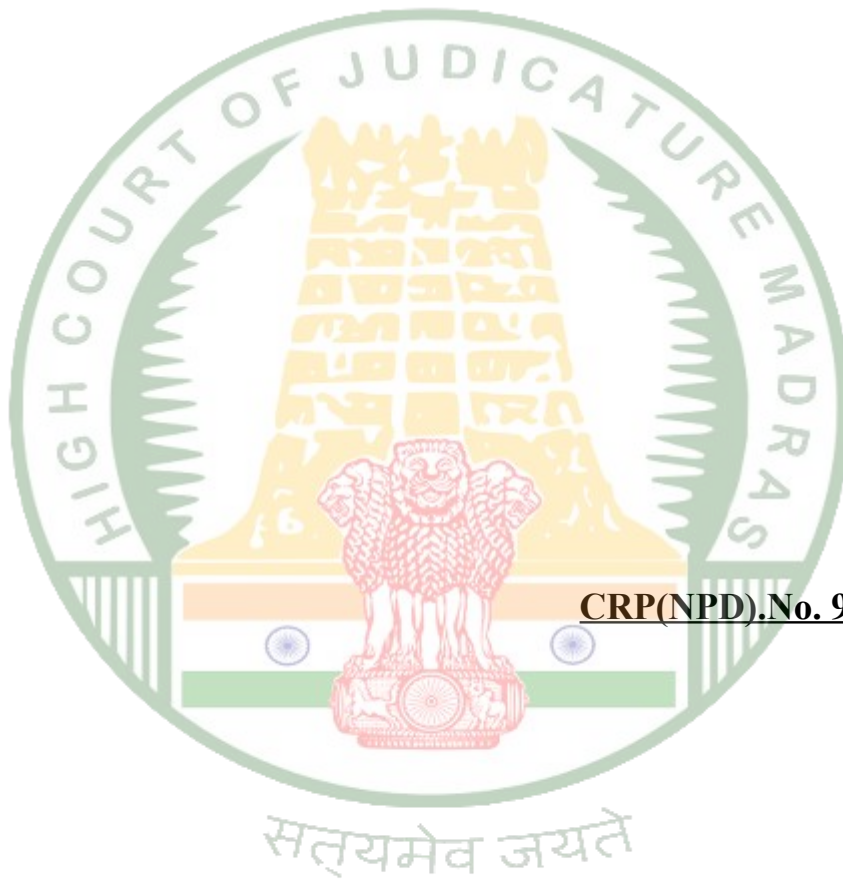
Index : Yes/No

Internet : yes

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To
The IX Judge,
Court of Small Causes, Chennai.

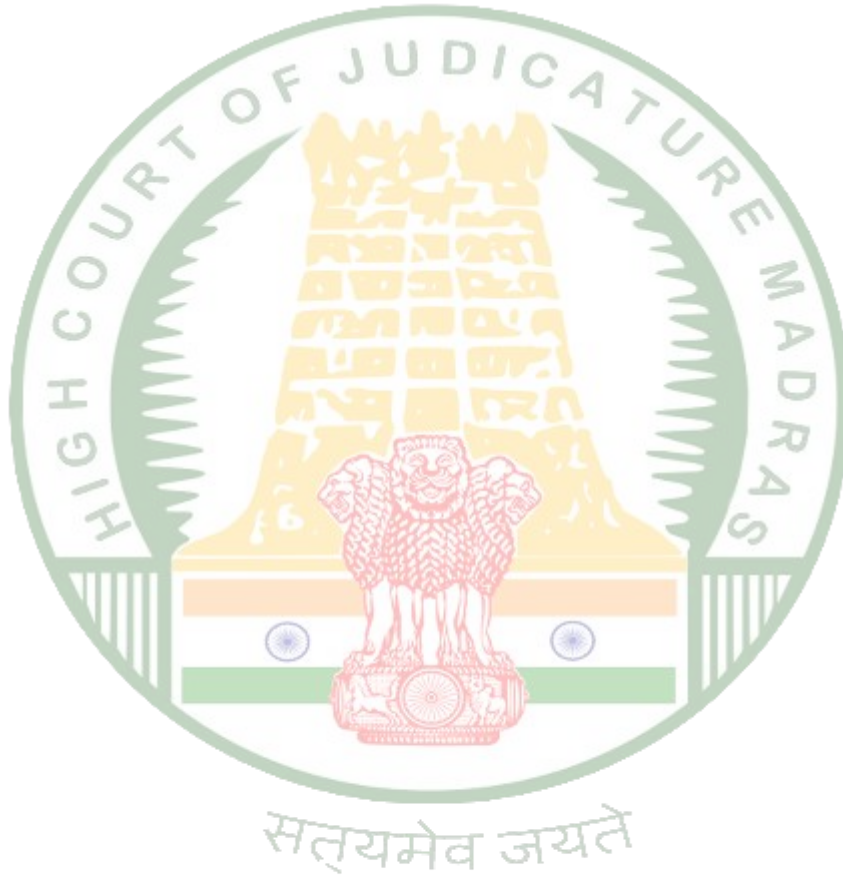
D. KRISHNAKUMAR, J
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