

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRP(NPD).No.2027 of 2015
and
M.P.No.1 of 2015

Mrs.S.Sivakala

..Petitioner/Tenant

Vs.

R.John Mohana Prakash

..Respondent/Landlord

PRAYER: This Civil Revision Petition filed under Section 25(1) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to set aside the judgment and decree dated 06.04.2015 made in R.C.A.No.243 of 2014, passed by the learned VIII Judge, Court of Small Causes, Chennai, confirming the Order and Decree dated 19.02.2014 made in RCOP No.882 of 2011 passed by the learned XVI Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.S.Ganesh

For Respondent: Mr.S.Dhassaiya

ORDER

This Civil Revision Petition has been filed by the tenant against the order of eviction passed by the learned VIII Judge, Court of Small

Causes, Chennai, in R.C.A.No.243 of 2014, dated 06.04.2015.

2 The revision petitioner is the tenant and the respondent herein is the land lord.

3 The respondent/landlord has filed a Rent Control Original Petition in RCOP.No.882 of 2011, before the Court of Small Causes, Chennai, under Section 10(3)(a)(ii) and 10(3)(b) of Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973, for eviction. The said petition was allowed on the ground of Owner's Occupation under Section 10(3)(a)(ii) of said Act, and dismissed under Section 10(3)(b) of the said Act, and eviction was ordered. Challenging the said order, the tenant has preferred the Rent Control Appeal in RCA.No.243 of 2014, before the VIII Small Causes Court/Rent Control Appellate Authority, Chennai. The Appellate Authority has after considering the materials available on record, dismissed the said appeal and thereby, confirming the judgment and decree passed by the learned Rent Controller in RCOP.No.882 of 2011. Challenging the same, the present Civil Revision Petition has been preferred by the revision petitioner/tenant.

4 Heard, Mr.S.Ganesh, learned counsel appearing for the petitioner and Mr.S.Dhassaiya, learned counsel appearing for the respondent.

5 This Court carefully gone through the entire material available on record, and find no illegality or irregularity in the order passed by the Courts below. Both the Authorities after considering the entire materials available on record, have rightly ordered eviction. Hence, I find no merit in the revision petition and the revision petition is only liable to be dismissed.

6 At this stage, the learned counsel appearing for the petitioner submitted that, the petitioner is doing business in the demised area and he require some time to vacate premises and he has also filed an affidavit of undertaking stating that he will vacate and handover possession to the respondent/landlord on or before 31.12.2020. In the relevant portion of affidavit of undertaking, the petitioner/tenant stated as follows:

"I submit that I hereby undertake to vacate

and handover vacant possession of the petition premises to the Landlord/the respondent herein which is the subject matter of Rent Control Original Petition on or before 31.12.2020”

7 The learned counsel appearing for the respondent on instructions would submit that he has no objection for the same.

8 Considering the affidavit of undertaking filed by the petitioner/tenant, the petitioner/tenant is directed to vacate and hand over the portion of the schedule mentioned property to the respondent/landlord on or before 31.12.2020.

9 Now, the learned counsel for the petitioner/tenant has stated that the petitioner/tenant has paid a sum of Rs.20,000/- as advance and, fairly submitted that the petitioner/tenant has to pay rent for eleven months and the remaining amount may be adjusted in the future rent, for which, the respondent has also agreed. Hence, the respondent/landlord is directed to adjust the remaining advance amount towards future rent payable by the petitioner.

10 With the above directions, the Civil Revision Petition stands dismissed and the order passed by the learned VIII Judge, Court of Small Causes, Chennai, in R.C.A.No.243 of 2014, dated 06.04.2015, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

28.02.2020

Index: Yes/No
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To

- 1.The VIII Judge, Court of Small Causes, Chennai.
- 2.The XVI Judge, Court of Small Causes, Chennai.

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and M.P.No.1 of 2015

V.BHARATHIDASAN.,J.

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