

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

CRP.NPD.No.1037 of 2020

V.B.Jayaram

M/s.Balasaraswathi Industries,

Old No.79/2, New No.48,

Rasappa Chetty Street,

Park Town, Chennai – 600 003.

... Petitioner

Vs.

N.Dayalan

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the order and decretal order made in R.C.A.No.359 of 2017 on the file of VII Judge, Small Causes Court, dated 11.11.2019 and confirm the order passed in RCOP No.223 of 2015 on the file of the XIV Small Causes Court, Chennai dated 23.12.2016.

For Petitioner : Mr.V.Chanakya

For Respondent : Mr.T.N.Rajagopalan

ORDER

The present Civil Revision petition is filed for a direction to set aside the order and decreetal order made in R.C.A.No.359 of 2017 on the file of the learned Judge -VII, Small Causes Court, dated 11.11.2019.

2. The parties have filed a Joint Memo of Compromise dated 12.08.2020, whereby the petitioner/tenant has agreed to vacate and hand over the possession to the respondent/landlord on 13.11.2020. Till such time, he agreed to pay rent to the landlord.

The terms of the Joint Memo of Compromise is extracted below:

1. The petitioner herein has preferred the above CRP No.1037 of 2020 against the order and decreetal order passed in R.C.A.No.359 of 2017 to revise the fair rent fixed by the appellate Court passed in R.C.O.P.No.223 of 2015.
2. During the pendency of the above Revision Petition the petitioner and respondent herein are arrived compromise that the petitioner herein is ready and willing to surrender vacant

possession of the tenancy portion to the petitioner by the end of November 2020 subject to waive off the fair rent amount and the petitioner also agreed for the same.

3. The respondent shall waive off the difference of fair rent from the petitioner and shall not claim any amount from the petitioner in future in respect of the tenancy portion under the occupation of the petitioner.
4. The petitioner also shall not claim any amount from the respondent/landlord in future in respect of the tenancy portion. The petitioner shall continue to pay the contractual rent till November 2020. If the petitioner failed to hand over the vacant possession before 30th November 2020, the respondent/landlord is at liberty to collect the difference in fair rent for the entire period.
5. Both the parties herein are agreed by the above terms and on the basis of the above joint compromise memo the order may be passed.

3. The Joint Memo of Compromise duly signed by the petitioner and the respondent and duly attested by their respective counsel, is taken on file. The Civil Revision Petition is ordered as per the said Joint Memo of Compromise dated 12.08.2020, which shall form part of the order.

With the above direction, this Civil Revision Petition is disposed of.

No costs.

26.08.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

dh

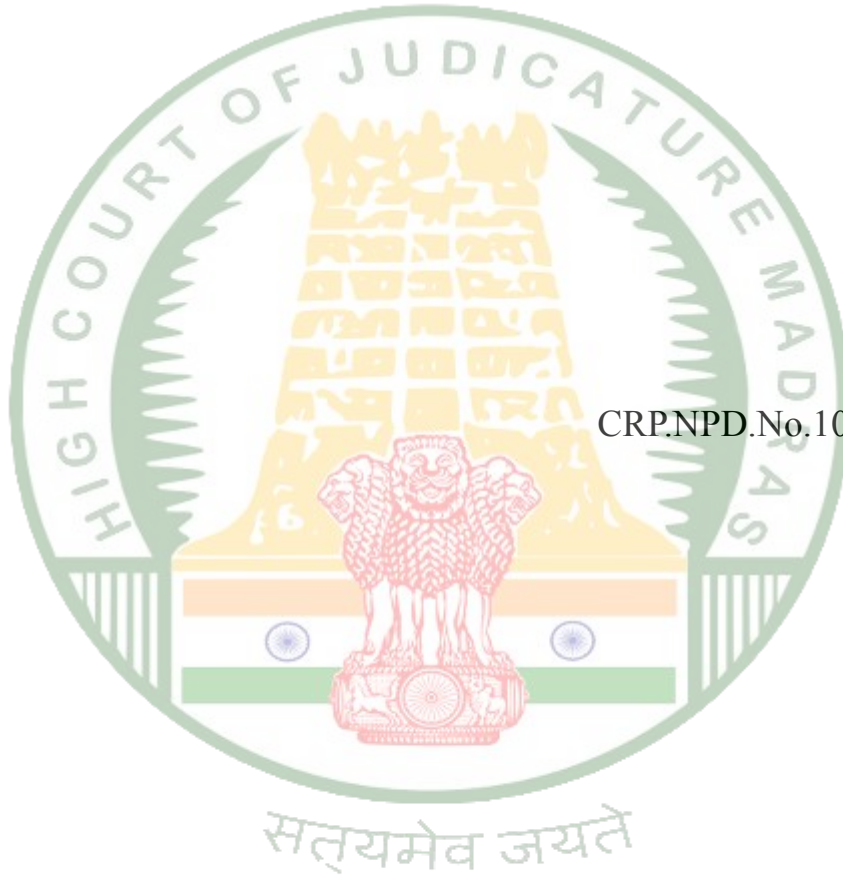
To

The VII Judge, Small Causes Court,
Chennai.

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M.GOVINDARAJ.J.,

dh



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