

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP (NPD) No.4082 of 2019 and

CMP Np.26723 of 2019

S.K.Raghavan

... Petitioner

Vs.

M.Haja Nawshath Ali

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in E.P.No.483 of 2019 in RCOP No.914 of 2010 by the XIII Judge, Court of Small Causes, Chennai dated 17.10.2019.

For Petitioner : Ms.R.Vijayaraghavan

For Respondent : Mr.S.Natarajan

ORDER

WEB COPY

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed in E.P.No.483 of 2019 in RCOP No.914 of 2010 by the XIII Judge, Court of Small Causes, Chennai dated 17.10.2019.

2. The petitioner herein is the respondent/tenant in RCOP No.914 of 2010 on the file of the XIII Judge, Court of Small Causes, Chennai and the respondent herein/landlord has filed the above said RCOP against the petitioner for delivery of vacant possession of the suit property on the ground of willful default in payment of rent. The above said RCOP was decreed in favour of the respondent herein. The petitioner herein filed RCA No.310 of 2012 against the order passed in RCOP and the appellate authority dismissed the appeal on 18.02.2019. Therefore, the respondent herein filed EP.No.423 of 2019 seeking delivery of vacant possession of the property. In that petition the Trial court has directed the petitioner herein to deliver vacant possession of the property on or before 18.11.2019. Challenging the above said order, this civil revision petition has been filed.

2. Heard the learned counsel appearing on either side.

3. The learned counsel appearing for the petitioner submitted that if six months time is granted to the petitioner, he is ready and willing to vacate the premises. To that effect, he has also filed an undertaking affidavit, wherein, the petitioner undertakes as follows.

" I undertake to vacate and handover vacant possession of the premises viz., at No.273/130, Thambu Chetty Street, Chennai 600 001 on or before 10.09.2020 i.e. 6 months from 10.03.2020. I will pay the rent to the Landlord during the period of 6 months at Rs.1,100/- p.m. being the contractual rent. I submit that there is no arrears of rent as on date."

4. The learned counsel appearing for the respondent requested to record the above said affidavit and also submitted that he has no objection to accept the undertaking affidavit filed by the petitioner.

5. Inview of the above undertaking affidavit filed by the petitioner and also the submissions made by both the counsels, this civil revision petition is disposed of in terms of the undertaking affidavit filed by the petitioner. The undertaking affidavit shall form part and parcel of the order of this civil revision petition. No costs.

WEB COPY

10.03.2020

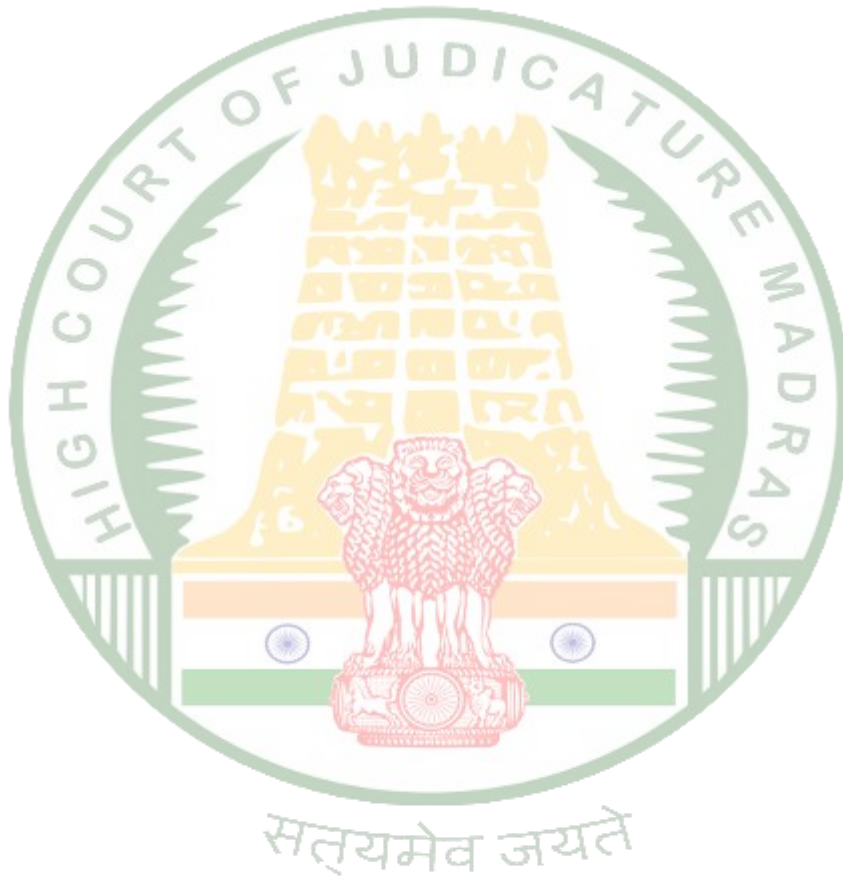
Index : Yes/No

Internet: Yes/No

Speaking order/Non Speaking order
mst

To

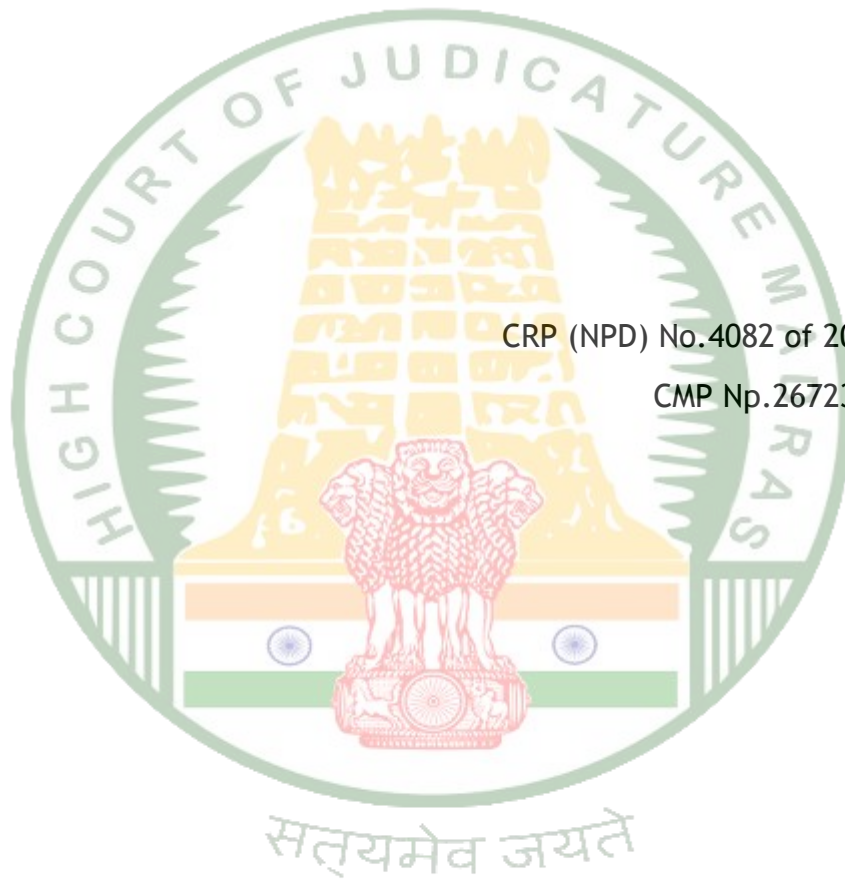
The XIII Judge,
Court of Small Causes, Chennai.



WEB COPY

CRP (NPD) No.4082 of 2019

D.KRISHNAKUMAR, J.
mst



CRP (NPD) No.4082 of 2019 and
CMP Np.26723 of 2019

WEB COPY 10.03.2020