

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. NPD 3609 of 2018

and

C.M.P. 20180 of 2018

N.Janarthanan

... Petitioner

Versus

S.Radha

... Respondent

PRAYER : Civil Revision Petition is filed under Sec.25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, praying to set aside the judgment and decree dated 12.06.2018 in R.C.A. 6 of 2018 on the file of Rent Control Appellate Authority and Sub-Court, Paramathi, Namakkal District, which is confirming the order and decreetal dated 14.09.2015 in R.C.O.P.1 of 2013 on the file of the Rent Control authority and Munsif Court, Paramathi, Namakkal District.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.B.Dhiyaneswaran

ORDER

This Civil Revision Petition has been filed challenging the order of eviction.

2. The petitioner is a tenant. The respondent landlady filed a petition for eviction in R.C.O.P. 1 of 2013, on the file of Rent Controller/District Munsif cum Judicial Magistrate, Paramathi, and the learned Rent Controller has allowed the application, thereby ordered eviction by judgment dated 14.09.2015. Challenging the same, the petitioner has filed an appeal in R.C.A. 6 of 2018. The learned Rent Control Appellate Authority has also concurred with the findings of the Rent Controller, confirmed the order of eviction, and dismissed the appeal by judgment dated 12.06.2018. 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. As both the authorities below, after considering the pleadings as well as evidence, have come to a conclusion that,

the petitioner has committed a willful default in payment of rent, I find no illegality or irregularity in the order passed by the courts below, and I find no merit in this Civil Revision Petition. Therefore, this Civil Revision Petition is liable to be dismissed.

5. Today, Mr. Deepan Uday, learned counsel appearing for petitioner/tenant has filed an undertaking affidavit stating that, he will vacate the premises within a period of four months and seeks time. The relevant portion of undertaking affidavit reads as follows :-

"I reverently state that the default is neither willful nor a pre-planned act, but because of my personal situation, I am not able to vacate the same as per this Hon'ble Court's direction. I submit that I am ready and willing to vacate the premises, but is in need of some more time to comply with the order for the reason that I need to find an alternative place for my profession and need to get shifted."

Under these circumstances, it is most humbly prayed that this Hon'ble Court may be pleased to grant me four months time to comply with the

direction to vacate the premises.”

6. Recording the undertaking given by the petitioner, the petitioner is directed to vacate, and hand over the possession on or before 08.05.2020. Post the matter on 03.06.2020 for reporting compliance.

7. In the result, the Civil Revision Petition stands dismissed with the above direction. No costs. Consequently, the connected Civil Miscellaneous Petition in C.M.P. 20180 of 2018 is closed.

10.01.2020

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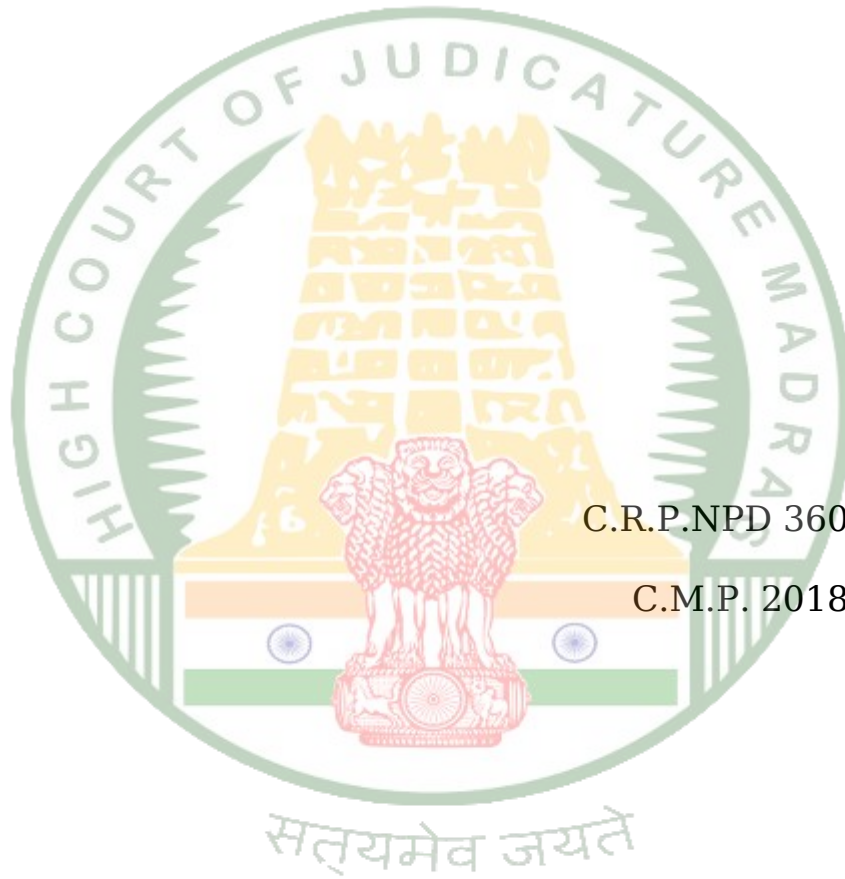
To

Rent Control Appellate Authority and
Sub-Court, Paramathi.

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V.BHARATHIDASAN,J.

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