



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Sixteenth day of October Two Thousand and Twenty
PRESENT

The Hon`ble Mr. Justice N. SESHASAYEE
CMP (MD) . No.3909 of 2020

in

C.R.P. (MD) No.756 of 2019

A.Raja

... Petitioner/Revision Petitioner

Vs

1 Chandra

2 N.Radhakrishnan

3 N.Raj

... Respondents/Respondents

Prayer :-

This Petition filed under section 151 of Civil Procedure Code 1908 to grant an extension of the direction already granted by this Court vide its order dated 04.11.2019 passed in C.R.P. (MD) No.756 of 2019 by permitting the petitioner to vacate and surrender the vacant possession of the petition mentioned property within 2 weeks from the date of completion of the exam of the year 2020 or in the event of cancellation of the exam by the government from the date of such cancellation.

Prayer in C.R.P. (MD) No.756 of 2019:-

This Civil Revision Petition filed under section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, to call for the records from the, lower court and set aside the fair and decreetal order passed in RCA No.6 of 2017 dated 08.11.2018 on the file of the Principal Subordinate judge, Dindigul (Rent Control Appellate Authority) Confirming the fair and decreetal order passed in RCOP No.14 of 2011 dated 13.03.2017 on the file of the Principal District Munsif cum Rent Controller, Dindigul.

ORDER:- This Petition coming up for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru. V.Ramakrishnan, Advocate for the Petitioner and of Thiru. H.Lakshmishankar, Advocate for the respondents, this Court made the following order:

This Court Vide its order dated 04.11.2019 disposed of the Civil Revision Petition on the basis of an affidavit filed by the petitioner herein that he would vacate the property within the second week of August 2020. However, that undertaking given in the affidavit was not complied with.

2.The present Civil Miscellaneous Petition is filed seeking further time for delivering possession on the ground that in the premises involved in this case, the petitioner is conducting an ITI and due to Pandemic situation, the examinations are not conducted yet.

3.Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Mr.Lakshmi Shankar, learned counsel for the respondents/Landlord



submitted that the premises is not a notified examination centre and therefore, the Court may go slow in extending time since it was on the basis of an undertaking given by the petitioner, the order was passed. He also submitted that a notice intimating that the respondents might proceed against him for contempt of Court has also been issued on the petitioner.

5.It is stated that where the tenant has his premises, is not an examination centre. However, since Pandemic days are out of the ordinary, this Court should be pragmatic in evaluating such prayers. The petitioner is now directed to vacate the premises latest by 31.12.2020 and it is made clear that at no circumstances time will be extended beyond 31.12.2020.

6.The learned counsel for the respondents also brought to the notice of the Court that the petitioner has undertaken to pay the arrears of rent to the respondents, and here also he is in breach. The petitioner is now directed to pay the arrears of rent with interest at 4% accrued till date on or before 31.12.2020.

7.This Civil Miscellaneous Petition is ordered accordingly.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1.The Principal Subordinate judge, Dindigul

2.The Principal District Munsif cum Rent Controller, Dindigul.

ORDER DATED : 16/10/2020

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ORDER

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CMP(MD). No.3909 of 2020

in

CRP(MD)No.756 of 2019

Giving direction and etc.

as stated within.

KB(11.11.2020) 2P 3C