



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

S.A.No.272 of 2018
and C.M.P.No.6990 of 2018

1.G.K.Kesavan

2.G.K.Vasudevan

... Appellants/Defendants

Vs.

South Indian Non-Brahmin Sri Vaishnava
Bhagavatha Ramanuja Koodam,
By Trustees
M.Kuppurangam (deceased),
S/o Janakiraman.
A.Sriramulu (died)
R.Santhana Rajagopalan (died)

1. Pandit R.Kannan

2. R.Venkatakrishnan

... Respondents/Plaintiffs

PRAYER: The Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 06.06.2016 and made in A.S.No.406 of 2010 on the file of the I Additional Judge, City Civil Court, Chennai, partly confirming the judgment and decree dated 30.11.2009 and made in O.S.No.3735 of 2003 on the file XI Assistant Judge, City Civil Court, Chennai.

For Appellants : Mr.G.Arul Murugan

For Respondents : Mr.A.Thangavel

J U D G M E N T

The appellants have filed an affidavit of undertaking dated 03.12.2021 seeking time for vacating and handing over the vacant possession to the respondents landlord till 03.03.2022. The learned counsel for the appellants would submit that the appellants will vacate and hand over the property to the landlord before that date i.e. 28.02.2022 itself. The affidavit of undertaking dated 03.12.2021 filed by the appellants reads as under:



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"AFFIDAVIT OF UNDERTAKING TO VACATE

I, G.K.Kesavan, Son of Mr.G.Krishnamoorthy, Hindu, aged about 47 years, residing at No.21, Thandavaraya Mudali Street, Triplicane, Chennai - 600 005, do hereby solemnly affirm and sincerely state as follows:

1.I am the 1st appellant in the second appeal and the 2nd appellant is my uncle.

2.I humbly submit that the respondents herein filed a suit against us in O.S.No.3735 of 2003 on the file of the XI Assistant Judge, City Civil Court, Chennai for the relief of recovery of possession and claiming past and future damages.

3.I humbly submit that the trial court by judgment and decree dated 30.11.2009 decreed the suit. Aggrieved by the same, we filed an appeal in A.S.No.406 of 2010 on the file of the I Additional Judge, City Civil Court, Chennai. The appellate court by judgment and decree dated 06.06.2016, allowed the appeal in part by setting aside the judgment and decree of the trial court in so far as the claim for damages is concerned but dismissed the appeal in so far as the relief of recovery of possession and directed us to hand over the vacant possession of the property to the respondent.

4.I humbly submit that my mother is bed ridden aged person and is taking treatment. The 2nd appellant is completely blind and he is bachelor and with great difficulty I am taking care of him. Therefore we want some time to find alternative accommodation and vacate the suit property.

5.I humbly submit that we undertake to vacate and hand over the vacant possession of the suit property to the respondent on or before 03.03.2022.

6.In the circumstances, this Honourable Court may be pleased to accept the affidavit and pass suitable orders granting time till



03.03.2022 to vacate and hand over the vacant possession of the suit property to the respondent and thus render justice."

2.The learned counsel for the respondents has consented for the proposal.

3.The affidavit of undertaking dated 03.12.2021 filed by the appellants is taken on record and the same shall form part of the judgment. Accordingly, the Second Appeal is closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Xerox copy of affidavit of undertaking to vacate is enclosed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The I Additional Judge
City Civil Court
Chennai.

2. The XI Assistant Judge
City Civil Court
Chennai.

+lcc to Mr.G.Arul Murugan, Advocate, S.R.No.63768
+lcc to Mr.A.Thangavel, Advocate, S.R.No.63426

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SSN(CO)
CT 05/01/2022