

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.NPD.No.815 of 2021
and
C.M.P.No.6739 of 2021

D.Murugesan

... Petitioner/Appellant/Respondent/Tenant

Vs

N.Baba Prasad

... Respondent/Respondent/Petitioner/Landlord

Civil Revision Petition filed under Section 25(1) of the Tamil Nadu Buildings (Lease and Rent) Control Act., to set aside the Fair and Decretal order dated 17.02.2020 passed in R.C.A.No.405 of 2018 on the file of IX Small Causes Court, Chennai, confirming the Fair and Decretal order dated 19.02.2018 passed in RCOP.No.829 of 2013 on the file of the XII Small Causes, Chennai.

For Petitioner

..

Mr.A.Prabhakaran

For Respondent

..

Mr.P.B.Balaji

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An affidavit had been filed by Mr.D.Murugesan who is the Revision Petitioner herein and the tenant in the demised premise, who had also suffered an order of eviction in RCOP.No.829 of 2013 dated 19.12.2018 and also in RCA.No.405 of 2018 dated 17.02.2020. The relevant portion of the said affidavit is extracted below:

“3.I respectfully submit that in the above demised premise, I am carrying on business of gold smith and apart from me, I have not employed any other person, in connection with my business activities.

4.I respectfully submit that, I am hereby giving consent to hand over the possession pertaining to the demised property by 31.012.2021, from today. Hence the present undertaking affidavit is filed by me, giving undertaking to surrender the possession of the demised property on or before 31.12.2021.

Therefore, it is humbly prayed that this Hon'ble Court may be pleased to record this undertaking affidavit and be pleased to pass such further or other orders in the circumstance of the case and thus render justice.”

2.Heard Mr.P.B.Balaji, learned counsel for the respondent/landlord.

3.Very fair representation is made by Mr.P.B.Balaji accepting to the request of the revision petitioner to grant time till 31.12.2021 to vacate the demised premise. It is also specifically stated that the revision petitioner alone is carrying on the business and that nobody else has existing right to either conduct the business or to participate in the business.

4.Recording the undertaking affidavit, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

सत्यमेव जयते

05.07.2021

Internet: Yes/No

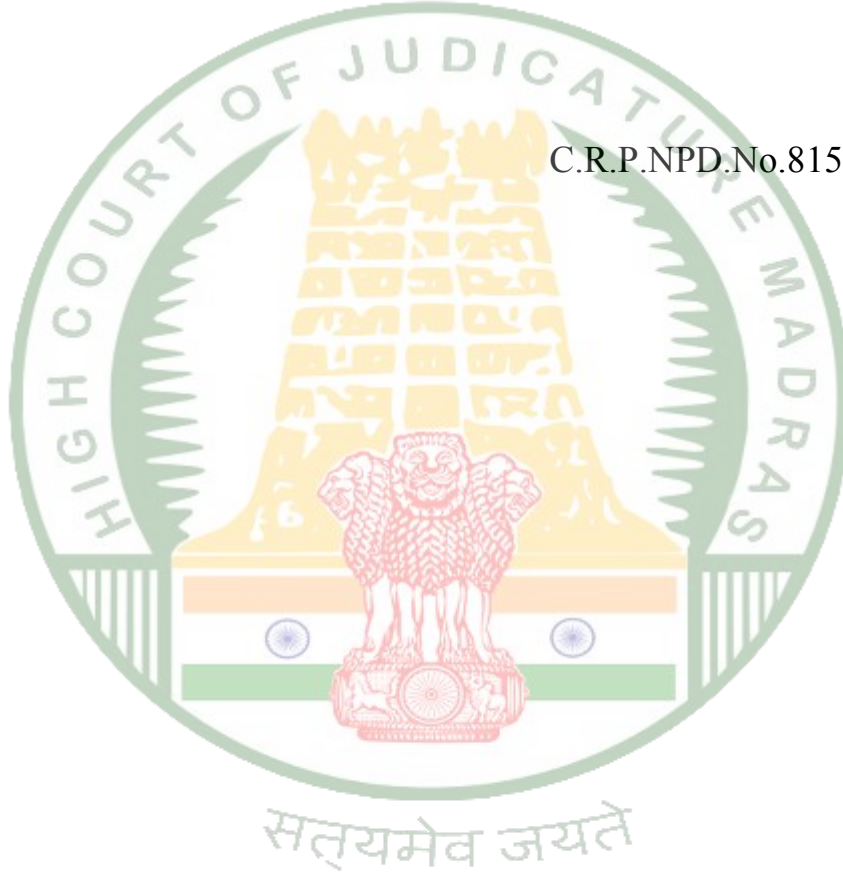
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To,

The IX Small Causes Court, Chennai.

C.V.KARTHIKEYAN,J.



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