

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.4082 of 2016

and

CMP.No.20661 of 2016

1.Vijayakumar

2.Pravin Kumar

...

Petitioners

Vs.

A.Pushparani

...

Respondent

PRAYER : The Civil Revision Petition filed under Section 25 of the Tamilnadu Buildings (Lease and Rent control) Act, 1960, against the fair and decretal order dated 17.09.2016 passed in RCA.NO.178/2013 on the file of the IX Court of Small Causes at Chennai (Appellate Authority).

For Petitioners : Mr.Gopalakrishnan for

M/S.M.Arvind Kumar

For Respondent : Mr.M.S.Krishnan, Senior counsel for

Mr.J.James

WEB COPY

ORDER

(Heard through video conferencing)

This Civil Revision Petition has been filed against the order of the learned Rent Controller Appellate Authority, dated 17.09.2016 passed in RCA No.178/2013, Wherein the eviction order passed by the Rent controller has been confirmed.

2. The petitioners are the tenants and the respondent is the landlord.
3. The Respondent has filed a petition for eviction of the tenants on the ground of additional accommodation to accommodate his adhesive tape shop. The petitioners has been a tenant under the respondent from the year 1962. The Rent Controller as well as the Rent control First Appellate Authority has accepted the *bona fide* requirement of the premises on the ground of additional accommodation and allowed the petition for eviction.

4. The learned counsel for the petitioners submitted that the both the Courts below did not consider the relative hardship that might be caused to the petitioners and the order of eviction was passed without giving any valid considerations for the submission made by the petitioners. By so stating it is submitted that it would be appropriate if the matter is remanded back to the

Rent Controller Appellate Authority, in order to render findings on those facts omitted to be considered.

5. The learned counsel for the respondent submitted that the admissions made by the respondent himself in his cross examination would amply prove that the requirement of the respondent for housing his business in duct tape is genuine. Both the Rent Controller and the First Appellate Authority had appreciated these evidence on record in right prospective and accepted the prayer of the landlord. Under such circumstances, I find no reason to interfere with the orders of the learned Rent Control First Appellate Authority.

6. However during the course of the arguments, it is submitted that the petitioners/tenant have been in possession of the property for nearly 60 years and the respondent/landlord had to wait for nearly 10 years to get back his own premises for housing a new shop therein. Since the respondent had waited for 10 long years without setting his shop in his own premise, the hardship that might have been suffered by the respondent would be more, if the order of eviction is denied.

7. However, it is fairly submitted by the learned counsel for the petitioners

that in case of dismissal of this revision petition, one year time may be granted for vacating the premises. However, the learned counsel for the respondent has agreed only for 6 months time. This Court also feels that 6 months time is sufficient for the petitioners to vacate and hand over the vacant premises to the respondent.

In the result, this Civil Revision Petition is **dismissed** and the orders of the Courts below are hereby confirmed. The petitioners are directed to vacate and hand over the vacant premises to the respondent within a period of six months from today. The petitioners are also directed to file an affidavit of undertaking that they would vacate the premises within the said period of 6 months. No costs. Consequently connected civil miscellaneous petition in CMP.No.20661 of 2016, is also closed.

सत्यमेव जयते

13.07.2021

Speaking
Index : Yes
Internet : Yes
jrs

WEB COPY

To

1.The IX Court of Small Causes
at Chennai (Appellate Authority).

2.The Section Officer,
V.R.Section,
High Court, Madras.



WEB COPY

R.N.MANJULA, J.
jrs



C.R.P.(NPD).No.4082 of 2016
and
CMP.No.20661 of 2016

13.7.2021

WEB COPY