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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P. No.1588 of 2021

and

C.M.P.No.12386 of 2021

(Through Video Conference)

1) P.Vasanthai Bai

2) P.Saravanan @ Yogneswaran

.. Petitioners/Tenants/Respondents

Versus

R.N.Sundararajan

.. Respondent/Landlord/Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 01.07.2021 made in E.P.No.20 of 2016 in R.C.O.P.No.34 of 2009 on the file of the learned Additional District Munsif, Vellore, Vellore.

For Petitioners : Mr.N.Subbarayalu

For Respondent : Mr.R.Jayaprakash

O R D E R

This Civil Revision Petition is filed against the order passed in E.P.No.20 of 2016 in R.C.O.P.No.34 of 2009 on the file of the learned Additional District Munsif, Vellore on 01.07.2021.

2. The learned Additional District Munsif, Vellore in E.P.No.20 of 2016 passed an order of delivery against the petitionerx. Against the said order, this Civil Revision Petition is filed.

3. Learned counsel for the petitioners submitted that they are running a Coffee-making business and the machines are embedded to the ground. He seeks time for vacating the premises. However, this petition is strongly opposed by the learned



counsel for the respondent on the ground that the matter went upto Supreme Court. The R.C.O.P.No.34 of 2009 was filed in the year 2009 and the Execution Petition in E.P.No.20 of 2016 is pending from the year 2016. At the instance of the petitioner, the matter had gone upto the Supreme Court in S.L.P. (C) Diary No.24813 of 2020. In the S.L.P., the following order is passed:

"The Special Leave Petition is, accordingly, dismissed. However, as prayer for, time till 30th June 2021 is granted to vacate the premises subject to filing usual undertaking in the Registry of this Court within four weeks from today, stating that the petitioner shall not create any third party rights, will clear all the rent / dues in the meanwhile and will peacefully vacate and hand over the possession of the suit premises.

We make it clear that no application for extension of time shall be entertained.

Pending Application stands disposed of."

4. The learned counsel for the respondent also filed a copy of the affidavit of undertaking filed by the petitioner before the Hon'ble Supreme Court. The order of the Hon'ble Supreme Court made it clear that the petitioner was granted time till 30.06.2021 for vacating the premises, subject to filing an usual undertaking in the Registry stating that he shall not create any third party rights with respect to the tenanted premises and will clear all the rent/dues in the meanwhile and will peacefully vacate and hand over the possession of the suit premises. Against the said direction, the present Civil Revision Petition has been filed and therefore, it cannot be entertained. Accordingly, the Civil Revision Petition stands Dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

sts



To:

The Additional District Munsif,
Vellore.

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+1cc to Mr.R.jayaprakash, Advocate, S.R.No.40111

Order made in
C.R.P. No.1588 of 2021

NR(CO)
SU(02/09/2021)