



C.R.P(NPD)Nos.2634, 2124 & 2402 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(NPD)Nos.2634, 2124 & 2402 of 2021

and

CMP.Nos.16132, 18262 & 19537 of 2021

R.Tamizharasan ...Petitioner in CRP.No.2634 of 2021

T.Moses ...Petitioner in CRP.No.2124 of 2021

Mohideen Abdul Kadher ...Petitioner in CRP.No.2402 of 2021

Vs.

M/s.Ismail Musa Wakf
Repreented by its
Muthavalli, Mr.Aejaz Sait,
Yafa Guest House, 4th Floor,
No.22, Model School Road,
Chennai – 600 006.

..Respondents in all revision petitions

Common Prayer: Civil Revision Petitions filed under Section 25(1) of the Tamilnadu Buildings (Lease and Rent Control) Act, seeking to set aside the judgment and decree passed in RCA.Nos.823, 821 & 822 of 2017 on the file of the VII-Judge, Court of Small Causes, Chennai (Appellate Authority) dated 17.12.2020 & 16.12.2020 dismissing the petitioners appeal and confirming the judgment and decree passed in RCOP.Nos.1996, 1951 & 1981 of 2013 on the file of the XVI-Judge, Court of Small Cuses, Chennai.



For Petitioner in all petitions : Mrs.M.R.Pramela

For Respondent in all petitions : Mr.K.P.Ashok

COMMON ORDER

These three revisions are against the orders of eviction made under the Tamil Nadu Buildings (Lease and Rent Control) Act.

2.The tenant in each of the revisions has filed an affidavit undertaking to vacate premises, if the advance paid is refunded and the sufficient time is granted to them to vacate. The tenants have also claimed that they have paid a certain sum as Pagadi and there was promise by the landlord to refund the deposit made for obtaining 10 HP power connection.

3.Mr.K.P.Ashok, learned counsel appearing for the respondent / landlord would submit that while he is ready to repay the advance amount paid under receipt, the other amounts, according to him have not been either received or that it is open to the tenants to apply for disconnection and get refund of the deposit made for the electricity power connection, since the electricity connection obtained was in the name of the tenants themselves.

In the light of the above, the following order is passed:-



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i) The tenants are granted ten(10) months time to vacate and handover vacant possession i.e., till 31.10.2022.

ii) The landlord shall refund the amount of advance namely:-

- CRP.No.2124 of 2021 - Rs.7,000/-
- CRP.No.2402 of 2021 - Rs.10,000/-
- CRP.No.2634 of 2021 - Rs.7,000/-

iii) As regards the other amounts paid as Pagadi, the landlord does not admit and therefore, there cannot be any direction for repayment.

iv) In so far as CRP.Nos.2124 & 2402 of 2021, the tenants are at liberty to surrender the power connection and take back the deposit made by them with the Electricity Board.

4.These civil revision petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

20.12.2021

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Index:No
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R.SUBRAMANIAN, J.

KKN

To:-

1.The VII-Judge,
Court of Small Causes,
Chennai.

2.The XVI Judge,
Court of Small Causes,
Chennai.

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