

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(NPD)No.3725 of 2018
and C.M.P.No.20785 of 2018

M/s. Shah Abheychand Banagi
Represented by its Proprietor,
Mahendra Kumar,
Shop No.2, Ground Floor,
No.16, Narayana Mudali Lane,
Chennai – 600 079

... Petitioner

Vs.

1. Shoba Kumari
2. Ashok Kumar Gupta
3. Vijay Kumar
4. Ajay Kumar
5. Nirmal Kumar

... Respondents

Prayer :- Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to set aside the fair and decreetal order dated 02.04.2018 in R.C.A.No.1151 of 2006 passed by the VII Small Causes Court, Chennai, reversing the order dated 28.11.2005 made in R.C.O.P.No.1995 of 2003 passed by the XIII Small Causes Court, Chennai with costs.

For Petitioner : Mr.P.J.Rishikesh

For Respondents : Mr. Ashok Menon

ORDER

This Civil Revision Petition is directed as against fair and decreetal order dated 02.04.2018 passed by the learned VII Judge, Small Causes Court, Chennai, (herein after referred to as “Rent Control Appellate Authority”) in R.C.A.No.1151 of 2006, reversing the order dated 28.11.2005 passed by the learned XIII Judge, Small Causes Court, Chennai, (herein after referred to as “Rent Controller”) in R.C.O.P.No.1995 of 2003, thereby ordering eviction on the ground of owner's occupation.

2. The petitioner is the tenant and the respondents are the legal heirs of the deceased original landlady. The landlady filed eviction petition in R.C.O.P.No.1995 of 2003 on the ground of owner's occupation. The learned Rent Controller dismissed the said petition as against which, the landlady filed appeal before the Rent Control Appellate Authority in R.C.A.No.1151 of 2006 and the same was allowed. Aggrieved by the same, the tenant filed this Civil Revision Petition.

3. While pending the Civil Revision Petition, the tenant filed undertaking affidavit dated 03.07.2021 and undertakes to vacate the petition premises on or before 31.07.2022 and hand over the petition premises to the landlords. The relevant portion of the affidavit reads as follows :-

1. *"I state that I am the petitioner herein and as such I am well versed with the facts and circumstances of the case.*
2. *I state that I have filed the C.R.P. seeking to set aside the fair and decreetal order dated 02.04.2018 in R.C.A.No.1151 of 2006 against R.C.O.P.No.1995 of 2003 passed by the VII Small Causes Court, Chennai, wherein I was directed to vacate the property Situated at Shop No.2, Ground Floor, No.16/2, Narayana Mudali Street, Chennai-600 079 (hereinafter referred to as the "said premises")*
3. *Without going into the merits of the case, I state that I shall vacate the said premises on 31.07.2022 and hand over the vacant possession of the said premises to the respondent landlord.*
4. *I further stated that I will continue to pay the monthly rental of Rs.750/- to the landlord till*

31.07.2022. It is relevant to note that I have remitted monthly lease rentals as on date without any delay.

5. I reiterate that I would vacate the property on 31.07.2022 without any further delay. I state that this affidavit may be taken on record and the C.R.P.No.3725 of 2018 be disposed of in terms of the undertaking/affidavit filed herewith.”

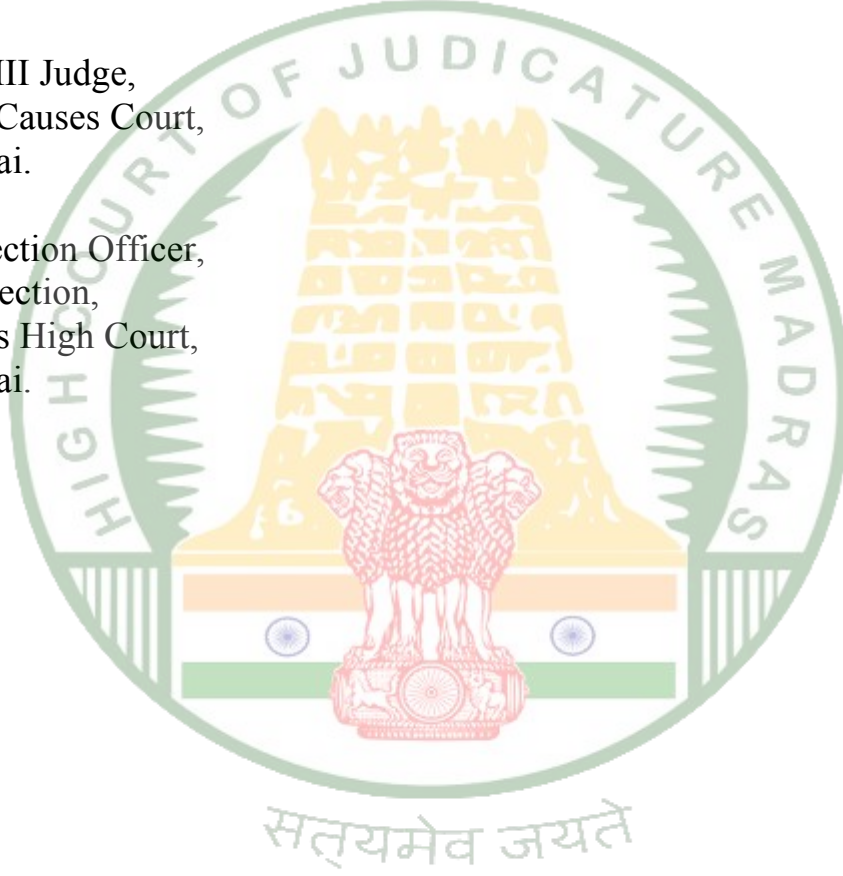
4. The learned counsel appearing for the landlords has no objections and he also accepted the undertaking affidavit filed by the petitioner/tenant. Therefore, the affidavit filed by the tenant is hereby recorded.

5. Recording the affidavit filed by the tenant, this Civil Revision Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
rts

To

1. The VII Judge,
Small Causes Court,
Chennai.
2. The XIII Judge,
Small Causes Court,
Chennai.
3. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts



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