



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(MD)No.372 of 2021

and

CMP(MD)No.2059 of 2021

1.Sheik Fareeth
2.Abdul Rahuman
3.Nashma
4.Ageeza
5.Alima Beevi

... Petitioners/Appellants/
Respondents 2 to 6/Tenants

vs.

1.Mohamed Umare Farooq
2.Mohamed Usman

...Respondents/Respondents/
Petitioners/Landlords

PRAYER: This Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to set aside the fair and decreetal order passed in R.C.A.No.9 of 2015 on the file of Rent control Appellate Authority Cum Principal Subordinate Court, Tenkasi dated 05.11.2020 confirming the fair and decreetal order passed in H.R.C.O.P.No.4 of 2005 on the file of the Principal Rent Controller Cum Principal District Munsif Court, Tenkasi dated 20.03.2015 and allow the present Civil Revision Petition.

For Petitioners : Mr.R.J.Karthick

For Respondents : Mr.P.Thiagarajan

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed in R.C.A.No.9 of 2015 on the file of Rent control Appellate Authority Cum Principal Subordinate Court, Tenkasi dated 05.11.2020 confirming the fair and decreetal order passed in H.R.C.O.P.No.4 of 2005 on the file of the Principal Rent Controller Cum Principal District Munsif Court, Tenkasi dated 20.03.2015 and allow the present Civil Revision Petition.



2. In the earlier occasion, this Court has suggested the petitioners to file an undertaking affidavit for vacating the premises. When the matter was taken up for hearing today, the learned counsel for the petitioners would seek time upto 30.06.2021 to vacate the premises and he has also filed an undertaking affidavit dated 20.03.2021 to that effect, for which, the learned counsel for the respondents has no objection. In the undertaking affidavit at paragraph No.3 reads as follows:

"3. I further submit that the respondents after the order of eviction in H.R.C.O.P.No.4 of 2005, immediately filed E.P.No.81 of 2015 to execute the order of eviction. The petitioned property is a provisional store functioning from the year 1974 and our main livelihood for our entire family depends on the petitioned shop sought to be vacated. We had gained reputation from the petitioned property and after our father's demise, I am running the provisional store. Due to the lock-down imposed in the present pandemic situation, small traders have purchased goods from our shop and several lakhs of rupees are yet to be recovered. I am searching an alternative place to shift my provisional store. I need a breathing time of nearly three months for commercial establishment. I hereby undertake to vacate the premises on or before 30.06.2021 and hand over the possession to the respondents herein".

4. Recording the submission made by both counsel, the petitioners are directed to vacate the premises and hand over possession to the respondents on or before 30.06.2021. The petitioners shall abide by the terms of the undertaking affidavit scrupulously.

5. With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed. The undertaking affidavit dated 20.03.2021 shall form part and parcel of this order.

Sd/-

Assistant Registrar (CS-I)

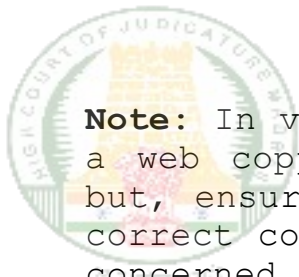
// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Encl: Xerox copy of undertaking affidavit

<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1) The Rent control Appellate Authority
Cum Principal Subordinate Judge, Tenkasi

2) The Principal Rent Controller
Cum Principal District Munsif, Tenkasi

copy to

The Record Keeper, VR Section-2 copies
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.P.THIYAGARAJAN, Advocate (SR-12853[F] dated
22/03/2021)

+1 CC to Mr.R.J.KARTHICK, Advocate (SR-13144[F] dated
23/03/2021)

CRP (MD) No.372 of 2021

and

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22.03.2021

KM(26.05.2021) 3P 7C