



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(MD)No.2340 of 2019
and
CMP(MD)No.12346 of 2019

J.Albert ... Petitioner/Appellant/Respondent/Tenant
vs.

Selvi ...Respondent/Respondent/Petitioner/Landlady

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 dated 26.09.2019 made in R.C.A.No.19 of 2017 on the file of Rent Control Appellate Authority, (Principal Sub Court), Nagercoil, confirming the fair and decreetal order dated 10.10.2017 made in R.C.O.P.No.11 of 2015 on the file of Rent Controller (Principal District Munsif Court), Nagercoil and allow the Civil Revision Petition.

For Petitioner : Mr.R.Murugan
For Respondent : Mr.K.P.Narayana Kumar

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 26.09.2019 made in R.C.A.No.19 of 2017 on the file of Rent Control Appellate Authority, (Principal Sub Court), Nagercoil, confirming the fair and decreetal order dated 10.10.2017 made in R.C.O.P.No.11 of 2015 on the file of Rent Controller (Principal District Munsif Court), Nagercoil and allow the Civil Revision Petition.

2. On 02.03.2021, the petitioner has filed an undertaking affidavit dated 15.02.2021 seeking one year time to vacate the premises in dispute, for which, the learned counsel for the respondent has objected the same.

3.The learned counsel for the petitioner would pray at least three months time to vacate the premises and would also pray for refund of the advance amount of Rs.2,50,000/- which was paid as deposit, for which, the learned counsel for the respondent would



4. Today the learned counsel for the petitioner/tenant has filed an undertaking affidavit dated 13.03.2021 to vacate the premises in dispute and handover the vacant possession to the landlady/respondent herein within three months from today i.e., up to 06.06.2021. He would also undertake to regularly pay the monthly rent to the tune of Rs.5,000/- to the landlady/respondent up to 06.06.2021.

5. The undertaking affidavit dated 13.03.2021 signed by the petitioner and the learned counsel for the petitioner filed before this Court is recorded. The petitioner/tenant is directed to vacate the premises in dispute and handover the vacant possession to the landlady/respondent on or before 06.06.2021 and he shall regularly pay the monthly rent to the tune of Rs.5,000/- up to 06.06.2021. At the time of vacating the premises, the respondent/landlady shall return the advance amount of Rs.2,50,000/- as per the rental agreement.

6. With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed. The undertaking affidavit dated 13.03.2021 shall form part and parcel of this order.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/pkn

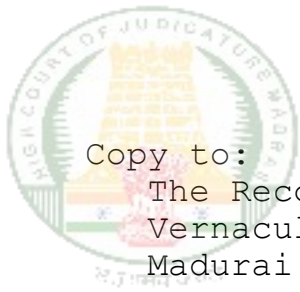
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

ENCL: COPY OF UNDERTAKING AFFIDAVIT

To

1) The Rent Control Appellate Authority,
Principal Sub Court, Nagercoil.

2) The Principal District Munsif,
Rent Controller, Nagercoil.



Copy to:
The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai. (2c)

+1 CC to M/s.R.MURUGAN, Advocate (SR-8304[F] dated 02/03/2021)

+1 CC to M/s.A.BALA KRISHNAN, Advocate (SR-8824[F] dated 04/03/2021)

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02.03.2021

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