



C.R.P.(NPD) No.247 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(NPD) No.247 of 2022

and

C.M.P.No.1197 of 2022

S.Anantharaman

... Petitioner

Vs.

1.Ahamed Sha

2.Ayesha Beevi

... Respondents

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Building Lease and Rent Control Act, 1958, against the fair and decreetal order dated 06.12.2021 passed in R.C.A.No.467 of 2018 on the file of VII Judge Court of Small Causes at Chennai confirming the order passed by the XV Judge, Court of Small Causes at Chennai in R.C.O.P.No.1711 of 2016 dated 28.04.2018.

For Petitioner : Mr.N.Veerasamy

For Respondents : Mr.A.Mohamed Ismail



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ORDER

The above Civil Revision Petition is filed invoking the jurisdiction of this Court under Section 25 of the Tamil Nadu Building Lease and Rent Control Act, 1958, against the fair and decretal order dated 06.12.2021 passed in R.C.A.No.467 of 2018 on the file of VII Judge Court of Small Causes at Chennai, confirming the order passed by the XV Judge, Court of Small Causes at Chennai in R.C.O.P.No.1711 of 2016 dated 28.04.2018.

2. An Affidavit of Undertaking had been filed on 18.02.2022 by the petitioner stating that he will vacate the premises on or before 31.12.2022.

3. The learned counsel for the respondent/landlord, on instructions, submits that he has no objection to permit the petitioner/tenant to continue till 31.12.2022 on condition that the petitioner continues to pay the rents without any default in future. The



learned counsel for the petitioner would submit that a sum of Rs.43,260/- has been paid towards water supply and sewage tax, which is payable by the landlord. The learned counsel for the respondent/landlord would submit that the rents for the period from September 2016 has not been paid to the respondent, although the respondent/landlord intimated that the rents should be paid directly to him, the tenant had not complied with the said request till December 2017 and the rents are due for this period. Therefore, a direction is issued that the same shall be adjusted from and out of the sum of Rs.43,260/-, which has been paid by the petitioner towards tax. Any amount remaining after the above adjustment shall be adjusted towards the future rents.

4. It is made clear that if there is a default in payment of future rent, after adjusting the amount even for a month, the respondent can proceed with the execution petition without reference to this Court.



5. Recording the above said affidavit of undertaking, and with the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

21.02.2022

Index : Yes/No
Speaking Order : Yes / No
srn/sp

To

- 1.The VII Judge, Small Causes Court, Chennai.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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P.T. ASHA, J,

sp/srn

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21.02.2022