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C.R.P.No.3811 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 19.12.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**C.R.P.No.3811 of 2022**

**and**

**C.M.P.No.20031 of 2022**

Pachaiyappan (Died)  
Devakiammal (Died)

1.Gunasekaran  
2.Panneerselvam  
3.Geetha  
4.Latha  
5.Sudha

1<sup>st</sup> to 5<sup>th</sup> appellants are residing at  
No.97, V.O.C Street, Panruti-607 106.

... Petitioners

Vs.

Ravi

... Respondent

**Prayer:** Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18 of 1960 as amended by Tamil Nadu Act 23 of 1973, praying to set aside the Fair and Decreetal order dated 31.08.2021 made in RCA No.2 of 2016 by the Subordinate Judge, Panruti, confirming the Fair and Decreetal order passed in RCOP No.1 of 2012 on 23.09.2016 passed by Rent Controller (District Munsif), Panruti by allowing the Civil Revision Petition with costs.



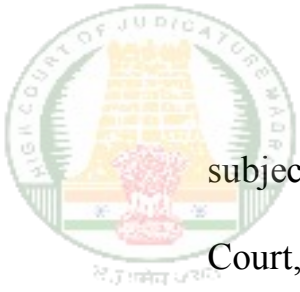
For Petitioners : Mr.C.K.M.Appaji  
For Mr.S.Udhaya Sankar  
For Respondent : Mr.D.Ravi Chander

## **ORDER**

The Civil Revision Petition has been filed to set aside the Fair and Decretal order dated 31.08.2021 made in RCA No.2 of 2016 by the Subordinate Judge, Panruti, confirming the Fair and Decretal order passed in RCOP No.1 of 2012 on 23.09.2016 passed by Rent Controller (District Munsif), Panruti by allowing the Civil Revision Petition with costs.

2. The Revision Petitioners are the tenants and the original tenant of the subject premises was the father of the revision petitioners. During the pendency of the Rent Control Proceedings, the original tenant died and the revision petitioners/ legal heirs were impleaded as parties.

3. The respondent is the landlord, instituted the proceedings for eviction, which was allowed in his favour and the revision petitioners/ tenants filed an appeal and the Appellate Court confirmed the order passed by the trial Court and ordered for eviction of the revision petitioners from the



subject premises. Challenging the orders of the trial Court and the Appellate Court, the present Civil Revision Petition is filed.

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4. During the course of arguments, the learned counsel for the petitioners made a submission that the revision petitioners are ready and willing to vacate the subject premises and hand over the vacant possession to the respondent/ landlord within a period of six months. Accordingly, it was adjourned today and today, the revision petitioners filed a sworn affidavit, which reads as under:-

*“1. We are the petitioners in C.R.P.No.3811 of 2022 and as such we well conversant with the facts and circumstances of the case.*

*2. It is submitted that we have filed the above Civil Revision Petition challenging the Fair and Decreetal order passed in RCA No.2 of 2016 on the file of the Rent Control Appellate Authority/ Subordinate Judge, Panruti dated 31.08.2021 confirming the Fair and Decreetal order passed in RCOP No.1 of 2012 on the file of Hon'ble Rent Controller/ District Munsif Court, Panruti dated*



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23.09.2016.

3. *It is submitted that our father late Pachaiyappan was the tenant in the respect of the shop bearing door no.600, Gandhi Road, Panruti, Cuddalore District and carried on grocery business since 1969. The RCOP No.1 of 2012 was originally filed by the land lord against our father Pachaiyappan and after his demise we have been added as parties in Rent Control Proceedings and we are running the grocery shop till date.*

4. *It is submitted that on account of risk involved in shutting down the shop all of the sudden and handing over possession to the land lord, we are seeking 6 months' time to complete the process. We undertake to vacate the shop and handover the possessions to the Respondent on or before 19.06.2023.*

*Therefore, it is humbly prayed that the Hon'ble Court may be pleased to grant time upto 19.06.2023 to vacate the shop bearing door no.600, Gandhi Road, Panruti,*



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*Cuddalore District and thus render justice.”*

5. In view of the undertaking given by the revision petitioners to vacate and hand over the possession of the subject premises to the respondent/ landlord, the learned counsel for the respondent has no serious objection on that and thus, this Court is inclined to grant time to the revision petitioners till 19.06.2023 for vacating the subject premises and handing over the vacant possession to the respondent/ landlord without seeking any further time or otherwise.

6. In the event of non-compliance of the undertaking, the respondent/landlord is at liberty to move Contempt Proceedings before this Court.

7. Accordingly, the Civil Revision Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**19.12.2022**

skr/kak  
Index : Yes



Speaking order

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To

1. The Judge,  
Subordinate Court,  
Panruti.

2. The Rent Controller (District Munsif),  
Panruti.



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**S.M.SUBRAMANIAM, J.**

skr/kak

**C.R.P.No.3811 of 2022**

**19.12.2022**