



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

S.A.No.895 of 2021
and
C.M.P.No.16926 of 2021

K. Chandru

... Appellant/Defendant

Vs.

R.D.M.Pandian

...Respondent/Plaintiff

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, against the judgment and decree dated 21.12.2020 passed in the A.S.No.25 of 2017 on the file of the Principal Sub-Court at Ponneri reversing the judgment and decree dated 14.07.2017 passed in O.S.No.147 of 2012 on the file of District Munsif Court at Ponneri.

For Appellant : Mr.Y.Arul Manickam

For Respondent : Ms.S.Vidya for
M/S.R.S.Vaideeswaran

J U D G M E N T

This second appeal is filed against the judgment and decree dated 21.12.2020 passed in the A.S.No.25 of 2017 on the file of the Principal Sub-Court at Ponneri reversing the judgment and decree dated 14.07.2017 passed in O.S.No.147 of 2012 on the file of District Munsif Court at Ponneri.

2. When this second appeal is taken up for hearing today, the learned counsel appearing for parties represented about the arrears of rent payable by the appellant.

3. It appears that there is no consensus with regard to the exact arrears of amount of rent payable. Appellant claims that there is no arrears at all, whereas the respondent claims that there is an arrears of 11 months of rent. This Court in



this second appeal does not want to go into the issue of arrears of rent as it is beyond the scope of the second appeal. Already the appellant filed an affidavit signed on 24.01.2022. Perusal of the affidavit shows that he is prepared to vacate and hand over the vacant premises to the respondent, if he is given six months time to vacate the premises.

4. The learned counsel for the respondent also concedes to give six months time, provided, if he regularly pays the rent for the period of six months.

5. Recording the submission of the learned counsel appearing for both the parties, this appeal is disposed of with the following directions:-

i) The appellant is granted six months time from today to vacate and handover the premises peacefully to the respondent.

ii) He should pay the rent without any default for the forthcoming six months.

6. Accordingly, this second appeal is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(I)

// True Copy //

Sub Assistant Registrar

AT

To

1.The Principal Subordinate Judge, Ponneri.

2.The District Munsif, Ponneri.

Copy to: The Section Officer,
V.R.Section, High Court,
Madras-104.

S.A.No.895 of 2021

SV(CO)
CB(08/03/2022)