



WEB COPY

C.R.P.No.4104 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4104 of 2022
and
C.M.P.No.21314 of 2022

1. Mrs.Girija

2. Mr.Riaz

... Petitioners

Vs.

Mr.R.Shivakumar

... Respondent

Prayer:Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Final order dated 24.08.2022 in R.L.T.A.No.23 of 2021 passed by the learned XI Additional City Civil Judge, Chennai, confirming the order dated 09.03.2021 in R.L.T.O.P.No.129 of 2020 passed by the learned XII Court of Small Causes, Chennai and allow the Civil Revision Petition.

For Petitioners : Mr.S.Sabarish

For Respondent : Mr.K.P.Ashok



ORDER

The Civil Revision Petition has been instituted challenging the order passed in RLTA No.23 of 2021 confirming the order dated 09.03.2021 in RLTOP No.129 of 2020.

2. The landlord instituted the original proceedings in RLTOP No.129 of 2020 for eviction and the trial Court allowed the petition. The tenant filed RLTA No.23 of 2021, which is dismissed and thus the tenant filed the present revision petition.

3. During the course of arguments, the petitioners have expressed his willingness to vacate the premises and handover the same to the respondent/ landlord and for that he requires some time to make alternate arrangements, since he is doing business in the premises, which is his livelihood.

4. In view of the said submission, this Court asks the revision petitioners to file an affidavit to that effect. The revision petitioners filed an affidavit on 12.12.2022 as follows:-



"3. I state that I am running a small Xerox shop in the premises for a lesser rent and I need some time to find an alternate shop in the nearby premises to run my business. I state that my livelihood is only depending upon the business and since I was running the shop from the year 2003 I am in need to find an alternate space in the same locality and hence I need time for 6 months period to vacate the premises. I undertake that I will vacate the petition premises within 1st week of May, 2023 and I need time till then to find an alternate shop.

Therefore, it is prayed that this Hon;'ble Court may be pleased to grant 6 months period to vacate the petition property based on the above undertaking and thus render justice."

5. In view of the undertaking, the revision petitioners are directed to vacate the subject premises and hand over the key to the respondent/ landlord on or before 07.05.2023. However, the respondent/ landlord is at liberty to pursue his remedy for recovery of arrears of rent, if any, by following the procedures as contemplated.



5. With these observations, the Civil Revision Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

13.12.2022

skr/Jeni
Index : Yes
Speaking order

To

1.The Judge,
The XI Additional City Civil Court,
Chennai.

2.The Judge,
XII Court of Small Causes,
Chennai.



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S.M.SUBRAMANIAM, J.

skr

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