



WEB COPY



CRP No.4139 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-12-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CRP No.4139 of 2022

And

CMP No.21578 of 2022

K.Raghavaram

.. Petitioner

vs.

Dayanand P.Seshan

.. Respondent

PRAYER : This Civil Revision Petition is filed under Section 25(1) of the TNB (L&R Control) Act, 1960 against the fair and decretal order dated 27.09.2022 in RCA No.685 of 2018 passed by the learned VIII Judge, Small Causes Court, Chennai confirming the fair and decretal order in RCOP No.963 of 2017 dated 28.08.2018 passed by the learned XI Judge, Small Causes Court, Chennai.

For Petitioner : Mr.C.Samivel

For Respondent : Mr.P.L.Narayanan



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ORDER

The present Civil Revision Petition is filed against the fair and decretal order dated 27.09.2022 in RCA No.685 of 2018 passed by the learned VIII Judge, Small Causes Court, Chennai confirming the fair and decretal order in RCOP No.963 of 2017 dated 28.08.2018 passed by the learned XI Judge, Small Causes Court, Chennai.

2. The revision petitioner is a tenant and the respondent-landlord filed RCOP for eviction on the ground of additional accommodation for his owners' occupation.

3. The Rent Control Court adjudicated the issues and allowed the petition and ordered for eviction of the tenant from the premises within a period of two months.



4. The revision petitioner preferred an appeal in RCA No.685 of 2018, which was also dismissed by the Appellate Court. The Appellate Court also granted two months time to vacate the premises and handover vacant possession to the respondent-landlord.

5. The grounds raised in the present Civil Revision Petition are neither candid nor convincing. Both the Courts have concurrently held that the ground of owners' occupation was established by the respondent-landlord. The need for owners' occupation was also proved by the Trial Court and before the First Appellate Court. The proceedings are pending for the past about five years and the respondent-landlord is unable to vacate the petitioner.

6. During the course of arguments, the learned counsel for the revision petitioner made a submission that the petitioner-tenant is ready to vacate the premises and he requires sometime for seeking alternate accommodation. Accordingly, the revision petitioner filed an affidavit on



19.12.2022 and given an undertaking that he will vacate the subject premises and handover the vacant possession to the respondent-landlord, within a period of six months from the date of the affidavit filed before this Court on 19.12.2022.

7. The learned counsel for the respondent-landlord objected the said contention by stating that six months time will be a longer period and the respondent is ready to agree for four months. The reason stated for six months in the affidavit is that the petitioner is aged about 56 years and residing along with his son and daughter and the school going grandchildren. Thus they have to stay in the subject premises till the completion of the current academic year and during the vacation they will look for an alternate accommodation and accordingly vacate the premises.

8. In view of the undertaking, this Court is inclined to consider the grant of time for vacating the premiss and handing over vacant possession to the respondent-landlord. Accordingly, the revision petitioner



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is directed to vacate the subject premises and handover the vacant possession to the respondent-landlord on or before 31.05.2023. The respondent-landlord is at liberty to pursue his grievance regarding recovery of rent or otherwise, if any, exist as of now.

9. With the abovesaid directions, the present Civil Revision Petition stands disposed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21-12-2022

Speaking Order/Non-Speaking Order.
Internet : Yes/No.
Index: Yes/No.
Svn

To

1.The VIII Judge,
Small Causes Court,
Chennai.

2.The XI Judge,

5/6



Small Causes Court,
Chennai.

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S.M.SUBRAMANIAM, J.

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