



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.01.2022

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WEB COPY

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (MD)No.713 of 2020 &  
CMP (MD)No.4732 of 2020

1.R.Kulanthaisamy  
2.K.Mohan

...Petitioner/Appellant/Respondents/tenants  
Vs.

M.Mahabul Basha (died)

1.M.Fowzia Begum  
2.A.Meharunnisha  
3.M.Sahul Hameed  
4.M.Anwar Batcha  
5.K.Nisha Begum

... Respondent/Respondent/Petitioner/Landlord.

PRAYER: Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1961 to set aside the Judgment and decree dated 02.03.2020 in RCA.No.1/2019 on the file of the Principal Subordinate Court, Thanjavur confirming the Judgment and decree dated 07.12.2018 in RCOP.No.23/2012 on the file of the Rent Controller cum District Munsif Court, Thanjavur pending disposal of the above Civil Revision Petition.

For Petitioners : Mr.P.Thiyagarajan

For R1, R2, R4, R5 : Mr.K.Sekar

ORDER

An affidavit of undertaking has been filed, in which, the petitioners have stated as follows.

*"3. I submit that now I hereby agree and undertake to vacate and hand over the vacant possession of the demised premises to the respondents/landlords on or before 30.09.2022.*

*4. I submit that since the landlords refused to receive the monthly rent, a sum of Rs.8,500/-, I filed the petition in RCOP.No.23/2011, on the file of learned Rent Controller, Thanjavur under Section 8(5)*



of T.N.Buildings (Lease and Rent Control) Act and continue to deposit the monthly rent without any default and I hereby undertake to deposit the monthly rent till the demised premises is vacated and handed over to the landlords by me.

5. I further submit that admittedly a sum of Rs.6,00,000/- (Rupees Six Lakhs only) is laying with the landlords towards advance amount and the landlords may be directed to return the said advance amount of Rs.6,00,000/- (Rupees Six Lakhs only) immediately on the day, when the demised premises is vacated and handed to the landlords by me."

2. The learned counsel for the respondents would submit that a sum of Rs.6,00,000/-, which has been paid as advance, will be paid to the revision petitioners / tenants on the date of their vacating and handing over the possession of the property.

3. The Civil Revision Petition is disposed of on the basis of the affidavit of undertaking. No costs. Consequently, the connected miscellaneous petition is closed. It is needless to state that a breach of the conditions of the undertaking would entitle execution proceedings being initiated without reference to this Court.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Principal Subordinate Judge, Thanjavur.

2.The District Munsif, Thanjavur.

Copy to:

The Section Officer, V.R.Section,  
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.P.THIYAGARAJAN, Advocate ( SR-2005[F] dated 21/01/2022 )

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RD(18.02.2022) 2P 6C