

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1185 of 2022 and
CMP(MD)No.4853 of 2022

L.Mohandass

... Petitioner

Vs

A.Balakrishnan

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in R.C.A.No.1 of 2022, dated 15.03.2022, on the file of the Subordinate Court, Periyakulam / Rent Control Appellate Authority, in which, confirmed the fair and decreetal order in RCOP No.2 of 2016, dated 27.08.2020, on the file of the District Munsif Court, Periyakulam/Rent Control Authority.

For Petitioner : Mr.P.Muthu Vijaya Pandian
For Respondent : Mr.A.Mohan

ORDER

This Civil Revision Petition is filed as against the concurrent findings of the Courts below in a rent control proceedings.

2.The petitioner is the tenant and the respondent is the landlord. The respondent/landlord filed R.C.O.P No.2 of 2016, before the Rent Control Authority, Periyakulam as against the tenant, for eviction on the ground of willful default, change of use, alteration of building and for his own occupation and the same was allowed. Aggrieved over the same the petitioner herein/tenant filed an appeal in R.C.A.No.1 of 2022, before the Rent Control Appellate Authority, Periyakulam, which was dismissed on 15.03.2022. Challenging the same, the petitioner has come up with this present Civil Revision Petition.

3. In earlier occasion, on 20.06.2022, when the Civil Revision Petition was taken up for hearing, this Court expressed its inclination not to entertain this Civil Revision Petition. The learned counsel appearing for the petitioner sought for short accommodation to get instructions from the petitioner to file an affidavit of undertaking to vacate and hand over the possession of the premises to the respondent landlord.

4. Today (25.08.2022), when the matter is taken up for hearing, the learned counsel appearing for the petitioner filed an affidavit of undertaking stating that he will vacate the premises within the time stipulated by this Court.

5. The learned counsel appearing for the respondent submits that considering the old age of the respondent /landlord, a direction may be issued to the petitioner/tenant to vacate the premises immediately.

6.This Court considered the rival submissions made and also perused the materials placed on record.

7.Admittedly, being slapped with the order of eviction by the Courts below, the petitioner/tenant has filed this Civil Revision Petition. Now, the petitioner filed an affidavit of undertaking to vacate and hand over the possession to the landlord within the time stipulated by this Court.

8.Recording the affidavit of undertaking filed by the petitioner/tenant, this Court is inclined to dispose of this Civil Revision Petition with a direction to the petitioner to vacate and hand over the possession of the premises to the respondent/landlord **on or before 25.04.2023**, without any further delay.

9. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

25.08.2022

Index : Yes / No.

Internet : Yes / No.

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To

1. The Subordinate Court/ Rent Control Appellate Authority
Periyakulam District.
2. The Munsif Court/Rent Control Authority, Periyakulam.

CRP(PD)(MD)No.1185 of 2022

B.PUGALENDHI, J.

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Order made in
CRP(PD)(MD)No.1185 of 2022

25.08.2022