



CRP(MD)Nos.1309 and 1310 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(MD)Nos.1309 and 1310 of 2022

and

C.M.P.(MD)Nos. 5435 and 5436 of 2022

A.Raja

... Petitioner in both
CRPs.

versus

M.Ingnasi (died)

1. I.Sriya Pushpam

2. L.John Peter

3. I.Stella Rani

4. I.Jeyaseeli

5. I.Velakanni

6. I.Joseph Paulraj

... Respondents in both
CRPs.

Prayer in CRP(MD)No.1309 of 2022: Civil Revision Petition filed under Section 25 of Tamil Nadu Building (Lease & Rent Control) Act, 1960, against the order dated 31.03.2022 made in R.C.A.No.14 of 2020 on the file of the Rent Control Appellate Authority (Principal Sub Court), Madurai, confirming the order dated 21.01.2020 made in



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R.C.O.P.No.294 of 2010 on the file of the Principal Rent Controller (Principal District Munsif), Madurai.

Prayer in CRP(MD)No.1310 of 2022: Civil Revision Petition filed under Section 25 of Tamil Nadu Building (Lease & Rent Control) Act, 1960, against the order dated 31.03.2022 made in R.C.A.No.15 of 2020 on the file of the Rent Control Appellate Authority (Principal Sub Court), Madurai, confirming the order dated 21.01.2020 made in R.C.O.P.No.292 of 2010 on the file of the Principal Rent Controller (Principal District Munsif), Madurai.

For Petitioner
in both CRPs. : Mr.PT.S.Narendravasan

For Respondents
in both CRPs. : Mr.J.Barathan

COMMON ORDER

CRP(MD)No.1309 of 2022 has been filed against the order dated 31.03.2022 made in R.C.A.No.14 of 2020 on the file of the Rent Control Appellate Authority (Principal Sub Court), Madurai, confirming the order dated 21.01.2020 passed by the Principal Rent Controller (Principal District Munsif), Madurai, in R.C.O.P.No.294 of 2010, filed for eviction.



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2. CRP(MD)No.1310 of 2022 has been filed against the order dated 31.03.2022 made in R.C.A.No.15 of 2020 on the file of the Rent Control Appellate Authority (Principal Sub Court), Madurai, confirming the order dated 21.01.2020 passed by the Principal Rent Controller (Principal District Munsif), Madurai, in R.C.O.P.No.292 of 2010, filed for fixation of fair rent.

3. After hearing the arguments, this Court, being not satisfied with the grounds raised herein, was about to dismiss the Civil Revision Petitions with a direction to the petitioner to vacate the premises within one month, at that time, the learned counsel appearing for the petitioner submits that the petitioner herein is residing in the said premises for more than 36 years and since he cannot find a suitable place within a short period of time, he requests for at least five months' time to find out a suitable place, vacate and hand over the possession to the respondents.



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3. The learned counsel appearing for the respondents, though not agreed for the terms proposed by the learned counsel for the petitioner, submits that in view of the difficulties in getting the possession, by enforcing the same through the Executing Court, he has agreed for the proposal made by the learned counsel for the petitioner that the petitioner will hand over the possession within a period of five months, i.e. on or before 20.12.2022.

4. The learned counsel appearing for the petitioner has also filed an undertaking affidavit to that effect. The terms and conditions of the undertaking affidavit are extracted as under:

“a. The petitioner herein agreed to vacate the petition premises on or before 20.12.2022 and handover the possession to the respondent.

b. The petitioner herein will pay the monthly rent of Rs.1,000/- for the above said period on or before 10th day of every succeeding month.



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c. The petitioner herein will pay the electricity charges without any default.”

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5. Accordingly, CRP(MD)No.1309 of 2022 is disposed of with a direction to the petitioner to vacate the premises and hand over possession to the respondents on or before 20.12.2022. The petitioner shall abide by the terms of the undertaking affidavit scrupulously.

6. Since the petitioner has agreed to vacate the premises on or before 20.12.2022, the question of fixation of fair rent does not arise. Accordingly, CRP(MD)No.1310 of 2022 is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.07.2022

Index : Yes / No.
Internet : Yes / No.
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B.PUGALENDHI, J.

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To

1. The Rent Control Appellate Authority
(Principal Sub Court),
Madurai.
2. The Principal Rent Controller
(Principal District Munsif),
Madurai.

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20.07.2022