



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2022**

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

WEB COPY

C.R.P. (MD) Nos.177 of 2018 and 1199 of 2019

and

C.M.P. (MD) Nos.777 of 2018 and 6700 of 2019

In C.R.P. (MD) No.177 of 2018:-

1.L.Rajesh Kumar

2.L.Sivakumar

3.N.Nagammal

... Petitioners /Respondent 2 to 4/
Defendant 2 to 4

vs.

1.V.S.Ida

...1st Respondent/Petitioner/
Plaintiff

2.R.Kamaraj

... 2nd Respondent/1stRespondent/
1st Defendant

PRAYER:-This Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 09.10.2017 in I.A.No.118 of 2017 in O.S.No.155 of 2016 on the file of the learned Principal District Munsif, Padmanabapuram.

For Petitioners : Mr.Niranjana S.Kumar

For R1 : Mr.RM.Sivakumar

For R2 : Mr.M.P.Senthil

In C.R.P. (MD) No.1199 of 2019:-

Ida

... Petitioner/2nd Respondent/
2nd Respondent

vs.

1.L.Rajesh Kumar

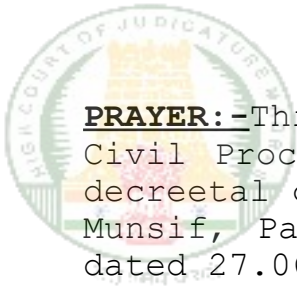
2.L.Sivakumar

3.N.Nagammal

...Respondents 1 to 3/Petitioner 1 to 3/
Petitioner 1 to 3

4.R.Kamaraj

...4th Respondent/1st Respondent/
1st Respondent



PRAYER:-This Petition is filed under Section 115 of the Code of Civil Procedure, to call for the records relating to the fair and decreetal order of delivery passed by the learned Principal District Munsif, Padmanabhapuram in E.P.No.16 of 2019 in RCOP.No.1 of 2017 dated 27.06.2019 and set aside the same.

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For Petitioner : Mr.K.P.Narayanakumar
For R3 : Mr.Niranjan S.Kumar
For R4 : Mr.M.P.Senthil

COMMON ORDER

An affidavit of undertaking has been filed as directed by this Court vide order dated 28.01.2022. The undertaking does not specify the date on which the tenant would vacate the premises except for stating that she would vacate in February, 2023. However, in the order dated 28.01.2022, it was made clear that the tenant would vacate the premises on or before 01.02.2023. In this affidavit of undertaking, the tenant has undertaken to continue to pay a sum of Rs.30,000/- being the rent for the property in her occupation, namely, the ground floor and the first floor from January, 2022 without default. It is needless to state that even a month's default would give a right to the landlady to proceed with the execution proceeding. The tenant has no objection to the landlady withdrawing the sum of Rs.4,80,000/-, which is lying in the deposit of RCOP.No.1 of 2017.

2.It is made clear that the tenant shall not interfere with the possession and enjoyment of the 2nd floor by the landlady by obstructing her access to the 2nd floor etc. In case such an act is done, it would tantamount to a violation of the terms of the undertaking. It is also made clear that the landlady shall not interfere with the peaceful possession and enjoyment of the ground floor and the 1st floor by the tenant. The sum of Rs.30,000/- directly shall be paid to the bank account of the landlady, details of which would be provided by the learned counsel for the landlady. The affidavit of undertaking is taken on file and shall form part of this order.

3.The Civil Revision Petitions stand disposed of on the above lines. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

The Principal District Munsif,
Padmanabhapuram.

+1 CC to M/S.K.P.NARAYANA KUMAR, Advocate SR-3269, dated 01/02/2022

+1 CC to M/S.NIRANJAN.S.KUMAR, Advocate SR-3475, dated 01/02/2022

+1 CC to M/S.M.P.SENTHIL, Advocate SR-3507, dated 01/02/2022

C.R.P. (MD) Nos.177 of 2018 and 1199 of 2019

31.01.2022

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