



C.R.P.No.718 of 2021

C.R.P.No.718 of 2021 &  
C.M.P. No.6008 of 2021

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**V.BHAVANI SUBBAROYAN,J.,**

The learned counsels on either side as well as the parties are present.

2. The learned counsel for the petitioner would submit that the petitioner, viz., A.Vigneswaran, died suddenly due to cardiac arrest on 29.10.2022 and when the wife of the petitioner, viz., V.Janaki proceeded to the petition mentioned shop premises on 26.11.2022 for removing the stocks in trade and valuables, she found another lock over the lock put up by her and the respondent / landlord admitted that the 2<sup>nd</sup> lock was placed by her. The learned counsel would also submit that the suppliers, who supplied the hardware items are frequently approaching the wife of the petitioner demanding payment for the supplied items or return of the supplied stocks, hence a detailed letter was addressed to the respondent on 02.12.2022 and there was a compromise arrived at wherein a sum of Rs.2,50,000/- was agreed as full and final settlement to be payable by the wife of the petitioner in respect of the shop premises. Further, to show her



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bonafides, the wife of the petitioner, has given a Cheque bearing No.906999 for a sum of Rs.1,00,000/- [Rupees One lakh only] dated 28.02.2023 towards part payment.

3. The learned counsel for the petitioner further seeks that a direction may be issued to handover the keys to enable the wife of the petitioner to open the hardware shop and remove stocks and items. That apart, the wife of the petitioner also undertakes and agrees to handover the keys to the respondent on 31.03.2023 and for the balance payment of Rs.1,50,000/-, the learned counsel seeks time till 30.04.2023 and an undertaking affidavit dated 28.02.2023 has also been filed by the learned counsel for the petitioner.

4. On the other hand the learned counsel for the respondent submits that the respondent is a senior citizen and already sufficient time has been granted and now, the wife of the petitioner is seeking for a larger time to handover the vacant possession.

5. Considering the submissions made on either side and the



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undertaking affidavit dated 28.02.2023 filed by the learned counsel for the petitioner and taking note of the fact that to prove her bonafides, the wife of the petitioner has given a cheque for Rs.1,00,000/- to the learned counsel for the respondent and bearing in mind that the petitioner suddenly died on 29.10.2022 due to cardiac arrest, as an interim measure, this Court is inclined to pass the following order:

(i) The respondent is hereby directed to open the lock of the petition mentioned premises on 02.03.2023.

(ii) The wife of the petitioner is permitted to take all her belongings / stocks on or before 19.03.2023.

(iii) The wife of the petitioner is directed to handover the vacant shop premises on 20.03.2023 to the respondent and the respondent is permitted to take the possession of the petition mentioned premises on 20.03.2023.

(iv) The balance payment of Rs.1,50,000/- shall be paid on or before 30.04.2023.

Post on 03.03.2023 for 'reporting compliance with regard to opening of the shop premises' along with C.R.P.No.725 of 2021.

28.02.2023



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Index : Yes/No  
Internet : Yes/No  
Speaking /Non-Speaking Order  
ssd

**V.BHAVANI SUBBAROYAN, J.,**

ssd

To

1. The VIII Small Causes Court, Chennai  
Rent Control Appellate Authority,  
Chennai
2. The XIII Small Causes Court,  
Chennai

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28.02.2023