



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-01-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CRP No.153 of 2023

And

CMP No.1296 of 2023

A.S.Abbashkhan

... Petitioner

vs.

M.D.Gajarajkumar

... Respondent

The Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act, 1960 to set aside the order and decree in RCA No.64 of 2021 dated 29.11.2022 on the file of the VII Small Causes Court at Chennai in confirming the order and decree in MP No.1 of 2021 in RCOP No.1466 of 2018 dated 06.03.2021 on the file of the X Small Causes Court at Chennai.

For Petitioner : Mr.V.Raghavachari,
Senior Counsel for Mr.P.Vasanth.



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For Respondent : Mr.V.Deenadayalan

ORDER

The present Civil Revision is filed to set aside the order and decree in RCA No.64 of 2021 dated 29.11.2022 on the file of the VII Small Causes Court at Chennai in confirming the order and decree in MP No.1 of 2021 in RCOP No.1466 of 2018 dated 06.03.2021 on the file of the X Small Causes Court at Chennai.

2. The revision petitioner is the tenant. The respondent-landlord instituted the proceedings for eviction on the ground of willful default in payment of rent.

3. The Rent Controller adjudicated the issues under Section 10(2)(1) of the Act and ordered for eviction. The revision petitioner-tenant filed RCA No.64 of 2021, which was also dismissed by the Rent Control Appellate Authority. Thus the petitioner is constrained to move the present Civil Revision Petition.



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4. During the course of arguments, it is brought to the notice of this Court that the revision petitioner is in occupation of the rented premises for the past around 20 years and as of now, there is no agreement for lease exist between the parties.

5. When this Court found that there is no ground for the purpose of entertaining the present Civil Revision Petition, as both the Rent Control Court and the Rent Appellate Authority adjudicated the facts and found that the revision petitioner-tenant is not entitled to continue in the rented premises, the learned counsel for the revision petitioner made a submission that the revision petitioner would file an affidavit of undertaking for vacating the subject premises.

6. Pursuant to the abovesaid submission of the learned counsel for the revision petitioner, the case is taken up today for further hearing and the leaned counsel for the revision petitioner, on record, filed an affidavit of undertaking of Mr.A.S.Abbaskhan, S/o.Aboothahir stating that he will vacate and handover the vacant possession of the subject premises on or



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before 31.05.2023 to the landlord.

7. In view of the abovesaid undertaking, the revision petitioner is directed to vacate the subject premises in all respects and hand over the vacant possession to the respondent-landlord, on or before 31.05.2023.

8. With the abovesaid directions, the present Civil Revision Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

25-01-2023

Svn
Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order



To

1.The VII Judge,
VII Small Causes Court,
Chennai.

2.The X Judge,
X Small Causes Court,
Chennai.

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S.M.SUBRAMANIAM, J.

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