



C.R.P.No.2042 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

**C.R.P.No.2042 of 2021 &
C.M.P.No.15535 of 2021**

A.Lakshmi Narayana

...Petitioner

Vs.

C.S.Raju

...Respondent

Civil Revision Petition filed under Section 25(1) of the Tamilnadu Buildings (Lease & Rent Control) Act, 1960 to call for the records and set aside the Judgment and Decree dated 30.04.2021 passed by the Rent Control Appellate Authority cum Subordinate Judge, Poonamallee in R.C.A.No.6 of 2015 confirming the order and decreetal order dated 18.3.2015 passed by the Rent Controller cum Principal District Munsif, Poonamallee in R.C.O.P.No.35 of 2013.

For Petitioner : Mr.N.C.Ramesh, Sr.Advocate for
Mr.S.Ganesh

For Respondent : Mr.K.V.Sundarrajan

ORDER



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The present Civil Revision Petition has been filed to call for the records and set aside the Judgment and Decree dated 30.04.2021 passed by the Rent Control Appellate Authority cum Subordinate Judge, Poonamallee in R.C.A.No.6 of 2015 confirming the order and decreetal order dated 18.3.2015 passed by the Rent Controller cum Principal District Munsif, Poonamallee in R.C.O.P.No.35 of 2013.

2. The brief facts of the case in the nutshell is as follows:-

The respondent is the landlord and the petitioner has taken the building of the respondent on lease and a rental lease agreement was entered between them on 15.06.2009. The respondent preferred R.C.O.P.No.35 of 2013 against the petitioner seeking a direction to quit and deliver vacant possession of the petition premises to the respondent and to pay the costs of the petition. Resisting the same, a counter was filed, and an order in R.C.O.P.No.35 of 2013 was passed on 18.03.2015 directing the petitioner to handover the property within a period of three months. Aggrieved against the said order, the petitioner preferred R.C.A.No.6 of 2015 to set aside the order of the R.C.O.P. Pending Appeal, the petitioner filed I.A.No.122 of 2020 seeking permission to receive certain documents and a counter was filed by the respondent. The said I.A.was dismissed on 30.04.2021 and on the same day, the Appellate authority passed a Judgment confirming the order passed in



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R.C.O.P.No.35 of 2013. As against the same, the present Revision is filed.

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3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the documents placed on record.

4. It is relevant to note that on earlier occasion, viz., on 07.10.2021, in view of the submissions made by the learned counsel for the petitioner, the petitioner was directed to deposit a sum of Rs.1,05,000/- [Rupees One Lakh and Five Thousand only] before the learned Rent Controller cum Principal District, Poonnamallee within a period of four weeks from the date of receipt of a copy of the order and the petitioner was directed to pay the rent at Rs.33,000/- from September, 2021, thereby, on Interim Stay of further proceedings in R.C.A.No.6 of 2015 in R.C.O.P.No.35 of 2013 was granted.

5. At this juncture, an undertaking affidavit dated 15.02.2023 has been filed by the learned counsel for the petitioner stating that the petitioner shall vacate and handover the possession of the premises, which is the subject matter of the present revision to the respondent / landlord on or before 30.11.2023 without fail and also undertake to pay monthly rent of Rs.33,000/- to the respondent / landlord till such time.



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6. Considering the submission made on either sides and the undertaking affidavit filed by the learned counsel for the petitioner dated 15.02.2023, this Court is inclined to dispose of the Civil Revision Petition in the following manner:-

(i) The petitioner shall vacate and handover the possession of the premises, which is the subject matter of the present revision to the respondent / landlord on or before 30.11.2023. Till such time, the petitioner shall continue to deposit the rent of Rs.33,000/- to the respondent / landlord before 10th day of every month.

(ii) In case of any failure to deposit the rent of Rs.33,000/- before 10th day of every month, the respondent shall proceed against the petitioner and evict the petitioner by obtaining police protection.

The Undertaking affidavit dated 15.02.2023 filed by the learned counsel for the petitioner shall form part of this order. Consequently, connected miscellaneous petition is closed. No costs.

16.02.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd



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To

1. The Rent Control Appellate Authority
cum Subordinate Judge, Poonamallee
2. The Rent Controller cum Principal District Munsif,
Poonamallee



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V.BHAVANI SUBBAROYAN J.

ssd

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