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CRP.No. 3015 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

CRP.No. 3015 of 2023

and

CMP.No. 18616 of 2023

M. Anbazhagan

.. Petitioner

Versus

S. Saraswathi

Represented by her Power

of Attorney Agent Mr.C. Balaji

.. Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 31.03.2023 passed in RLTA.No. 160 of 2022 on the file of the XXII Additional City Civil Court, Allikulam, Chennai, in confirming the order dated 30.09.2022 passed in RLTOP.No. 202 of 2022 on the file of XIII Small Causes Judge, Chennai.

For Petitioner

: Mr. S. Thiruvengadam

For Respondents

: No Appearance



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ORDER

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This Civil Revision Petition has been filed seeking to set aside the fair and decretal order dated 31.03.2023 passed in RLTA.No. 160 of 2022 on the file of the XXII Additional City Civil Court, Allikulam, Chennai, in confirming the order dated 30.09.2022 passed in RLTOP.No. 202 of 2022 on the file of XIII Small Causes Judge, Chennai.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. None appeared on behalf of the respondent.

4. On a perusal of the records, it reveals that the respondent/landlord has filed RLTOP.No. 202 of 2022 before the XIII Court of Small Causes, Chennai, against the revision petitioner/tenant under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. After perusing the records, the Court below allowed the petition by order dated 30.09.2022 directing the revision petitioner/tenant to vacate and hand over the vacant possession of the schedule premises to the



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respondent/landlord within two months from the date of receipt of a copy of that order. Subsequently, the revision petitioner has preferred an appeal in RLTA.No. 160 of 2022 under Section before the XXII Additional City Civil Court, Allikulam, Chennai, against the fair and decretal order in RLTOP.No. 202 of 2022, dated 30.09.2022 passed by the learned XIII Court of Small Causes, Chennai. After perusing the records, the Appeal was dismissed on 31.03.2023, confirming the fair and decretal order passed in RLTOP.No. 202 of 2022 dated 30.09.2022 by the learned XIII Judge, Court of Small Causes, Chennai. Aggrieved by the said order, the revision petitioner/tenant has come forward with the present Civil Revision Petition before this Court.

5. Today, when the matter was taken up for hearing, the learned counsel for the revision petitioner submitted that he has filed the above Revision against the concurrent findings of the Courts below so as to vacate him from the petition premises. During the course of the argument, he has requested this Court to grant some time for vacating the petition premises by filing the affidavit. The petitioner is living with her aged mother who is 70 year old and undergoing treatment in the nearby Hospital and therefore, he requests this Court to grant one year time to enable him to vacate the petition



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premises. He has also undertake to vacate and handover the vacant premises on or before 12.09.2024 without fail.

6. While that being the case, no proper reason has been stated by the revision petitioner other than the petitioner's mother is aged about 70 year old, taking treatment. There is no material to show that she is suffering from any serious disease. Considering the aforesaid facts and circumstances of the case and taking into the submissions made by the learned counsel for the revision petitioner/tenant, this Court is inclined to pass the following order:-

“The revision petitioner/tenant is hereby directed to vacate and hand over the vacant possession of the schedule premises to the respondent/landlord on or before 31.01.2024, failing which, the respondent/landlord is at liberty to vacate the revision petitioner/tenant from the petition premises with the help of the Police Officials concerned”.

7. With the above direction, the Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

12.09.2023

Speaking order : Yes/No
msm



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To

1. The XXII Additional City Civil Court,
Allikulam, Chennai
2. The XIII Small Causes Judge, Chennai.
3. The Section Officer, V.R.Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

msm

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