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C.R.P.No.2563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.2563 of 2023
and
C.M.P.No.15834 of 2023

Mital Surendira

... Petitioner

Versus

Supriya Unni

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 01.07.2023 made in E.A.No.4 of 2023 in E.P.No.43 of 2021 passed by the learned XI Small Causes Judge, at Chennai.

For Petitioner : Mr. S. Haja Mohideen Gisthi

For Respondent : Mr. Vikram Ramakrishnan

ORDER

This Civil Revision Petition has been filed against the order dated 01.07.2023 in E.A.No.4 of 2023 in E.P.No.43 of 2021 passed by the learned XI Judge, Small Causes Court, Chennai.

<https://www.mhc.tn.gov.in/judis> ² The respondent herein has filed RCOP No. 241 of 2019 before the XI



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Small Causes Court, Chennai under Section 10 (2) (i) of the Tamil Nadu

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Buildings (Lease and Rent Control) Act, 1960 for eviction of the revision petitioner herein on the grounds of wilful default in payment of rent. After contest, the learned Rent Controller, by an order dated 04.10.2019, allowed the Original Petition and directed the revision petitioner herein to vacate and handover vacant possession of the premises in question. Similarly, the Petition filed by the respondent herein under Section 11 (4) of the said Act in MP No. 189 of 2019 has also been allowed directing the revision petitioner-tenant to pay a sum of Rs.8,46,000/- towards arrears of rent failing which all further proceedings in the Original Petition will be stopped.

3. As against the order passed in RCOP No. 241 of 2019 as well as MP No. 189 of 2019, the revision petitioner-tenant has filed RCA Nos. 389 and 420 of 2019. Pending appeals, a compromise has been reached between the parties and by recording the same, RCA No. 389 and 420 of 2019 were disposed of on 11.10.2022. Thereafter, Execution Petition No. 43 of 2021 was filed to execute the decree passed by the learned Rent Controller. On notice, the revision petitioner-tenant has filed EA No. 4 of 2023 by contending that she came to know that the respondent herein is not the original owner and the said fact came to her knowledge much later. Therefore, the revision



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petitioner sought for setting aside the order passed in the Original Petition.

The trial court dismissed the EA No. 4 of 2023 on 01.07.2023 as devoid of any merits, against which the present Civil Revision Petition is filed by the revision petitioner-tenant.

4. When this Civil Revision Petition is taken up for hearing, after some arguments, learned counsel for the revision petitioner-tenant submits that the revision petitioner is inclined to vacate the premises in question on or before 30.09.2023. The learned counsel for the respondent-landlady submits that he has no objection for the revision petitioner vacating the premises on or before 30.09.2023. However, he would only submit that before vacating the premises, the admitted arrears of rent shall be directed to be paid by the revision petitioner.

5. On consideration of the above submissions, this Court hereby directs the revision petitioner-tenant to vacate the premises in question on or before 30.09.2023 and deliver vacant possession of the premises to the respondent herein. It is open to the respondent-landlady to recover the arrears of rent in a manner known to law.



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6. With the above observations, the Civil Revision Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

21.07.2023

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

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To

1. The XI Judge, Small Causes Court,
Chennai.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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