



C.R.P.No.3661 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.3661 of 2022

and

C.M.P.No.19406 of 2022

Mr.I.M.Jose

...

Petitioner

Vs

1.Mr.Rajendra Kumar

2.Mrs. Suseela Bai

...

Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the judgement and decree dated 12.07.2022 of learned III Additional City Civil Court Chennai made in RLTOP No.40 of 2021 confirming the order and decretal order dated 06.10.2021 in RLTOP No.413 of 2020 on the file of X Small Causes Court Chennai by allowing the Civil Revision Petition.

For Petitioner : Mr.Sandeep S.Shah for
M/s.Shah and Shah

For Respondents : Mr.Ralph V.Manohar



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ORDER

The Civil Revision Petition has been instituted challenging the Fair and Decretal Order dated 12.07.2022, passed by the Rent Tribunal in RLTA No.40 of 2021, confirming the Fair and Decretal Order dated 06.10.2021 passed by the Rent Court in RLTOP No.413 of 2020.

2.During the course of arguments, the learned counsel for the revision petitioner made a submission that the petitioner/tenant has taken a decision to vacate the premises and hand over the vacant possession to the respondent/landlord. Thus, time was granted for filing an affidavit of undertaking to that effect.

3.Accordingly, the revision petitioner has filed an Affidavit of Undertaking today ie., on 06.02.2023, which is extracted below:

"5.1 further submit pending the above Civil Revision Petition I have decided to hand over vacant possession of the tenancy portion by 31.07.2023 and respondents have also agreed to the same. Hence present



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an affidavit of the undertaking

6.1 undertake to hand over vacant possession of the tenancy portion to the respondents by 31.07.2023 and till I hand over vacant possession of the tenancy portion I will continue to pay the monthly rent and also pay electricity charges. On my handing over, vacant possession respondents must return my security deposit. My above undertaking may be taken on the file and duly recorded and based on this Undertaking, above Civil Revision Petition may be dispose of.”

4. In view of the Affidavit filed by the revision petitioner, no further adjudication on merits need to be undertaken in respect of the present revision petition. Accordingly, the revision petitioner/tenant is directed to vacate the subject premises and handover the vacant possession to the respondent/landlord on or before 31.07.2023. On such handing over of the vacant possession, the respondent/landlord shall return the security deposit to the revision petitioner as per the understanding.

S.M.SUBRAMANIAM, J.



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5. Accordingly, the present civil revision petition stands **disposed of**.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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06.02.2023

Speaking Order

Internet : Yes

Index: Yes

To:

1.III Additional City Civil Court Chennai

2.X Small Causes Court Chennai

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