



WEB COPY

C.R.P.No.4367 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4367 of 2022

and

C.M.P.No.22994 of 2022

R.Venkatesan

... Petitioner

Vs.

M.Avinash

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned order dated 26.09.2022 and made in R.L.T.A.No.14 of 2022 on the files of the Learned IIIrd Additional Judge, City Civil Court, Chennai (Rent Tribunal), thereby confirming the order of eviction passed by the Learned XIIth Judge, Court of Small Causes, Chennai (Rent Court) and made in R.L.T.O.P.No.390 of 2021 dated 20.12.2021.

For Petitioner : Mr.A.Chidambaram

For Respondent : Mr.N.Vijayaraj



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ORDER

The civil revision petition has been filed under Article 227 of the Constitution of India, challenging the order dated 26.09.2022 passed in R.L.T.A.No.14 of 2022 confirming the order of eviction passed by the Rent Court in R.L.T.O.P.No.390 of 2021 dated 20.12.2021.

2. The revision petitioner is the tenant and the respondent / landlord instituted eviction proceedings under the T.N. Act 42 of 2017 before the Rent Court. The Rent Court adjudicated the issues between the parties elaborately and passed an order of eviction under Section 21(2)(a) of the New Act. Consequently, the revision petitioner / tenant was directed to vacate and hand over the vacant possession of the application schedule premises within a period of one month from the date of passing of the order in R.L.T.O.P i.e. on 20.12.2021. The tenant preferred an appeal in R.L.T.A.No.14 of 2022 and the Rent Tribunal confirmed the order passed by the Rent Court on 26.09.2022.

3. The tenant is continuing in the subject premises for the past about 40 years and considering the facts and circumstances, both the Rent Court and Rent Tribunal passed the order of eviction. During the course of arguments,



this Court also formed an opinion that there is no acceptable ground for the purpose of considering this civil revision petition filed by the petitioner / tenant and at that point of time, the learned counsel for the petitioner requested for adjournment for the purpose of seeking further instructions from the revision petitioner to vacate the subject premises.

4. On instructions, the petitioner filed an affidavit of undertaking today i.e. on 09.01.2023, which reads as follows:

“3. Accordingly, I hereby agree and undertake to vacate and hand over vacant possession of the subject premises in R.L.T.O.P.No.390 of 2021 (on the file of Learned XIIth Judge, Court of Small Causes, Chennai) to the respondent herein on or before 30.04.2023. I have also handed over a cheque for Rs.37,400/- (Rupees Thirty Seven Thousand Four Hundred Only) bearing No.669489 dated 09.01.2023 and drawn on State Bank of India, Mahalingapuram Branch, Chennai – 600 034, in favour of the Respondent towards the rental arrears for September, October, November and December of 2022 and the said cheque will be honoured on



presentation. I also submit that as on date my rental advance of 3 months is already lying in the hands of the Respondent.

4. Therefore, in the light of the aforesaid facts and circumstances, I pray that this Hon'ble Court may be pleased to take on file this Affidavit of Undertaking and grant time till 30.04.2023 for vacating and handing over the vacant possession of the subject premises in R.L.T.O.P.No.390 of 2021 to the Respondent on or before 30.04.2023 and pass such further or other orders as may be deemed fit and proper by this Hon'ble Court in the circumstances of the case and thus render justice.”

5. In view of the undertaking filed by the revision petitioner, the revision petitioner is directed to vacate the subject premises on or before 30.04.2023 and hand over the vacant possession to the respondent / landlord. In the event of failure on the part of the revision petitioner, the respondent is at liberty to move Contempt Application before this Court.



6. Accordingly, this Civil Revision Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Neutral Citation : Yes

Speaking order

To

1.The III Additional Judge,
City Civil Court,
Chennai.

2.The XII Judge,
Court of Small Causes,
Chennai.



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S.M.SUBRAMANIAM, J.

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