



CRP(MD).No.592 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).No. 592 of 2023

and

C.M.P(MD)No.2752 of 2023

R.Jayalakshmi

.. Petitioner/Appellant/Respondent

Vs.

M.A.Parveen Banu

.. Respondent/Respondent/Petitioner

PRAYER : Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18/1960 as amended by Tamil Nadu Act 23/1973, to set aside the fair and decretal order dated 10.11.2021 passed in R.C.A.No.17 of 2017 on the file of the learned Rent Control Appellate Authority (Sub-Court), Tiruchendur confirming the fair and decretal order dated 14.07.2015 passed in R.C.O.P.No.1 of 2012 on the file of the learned Rent Controller (District Munsif Court), Tiruchendur.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.S.C.Herold Singh

ORDER

The present revision petition has been filed challenging concurrent order of eviction passed by the Rent Controller as well as by the Appellate Authority.



CRP(MD).No.592 of 2023

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2. Admittedly, the respondent herein, who is the landlord of the premises, had initiated rent control proceedings for evicting his tenant on the ground of wilful default for the period covering between Dec-2006 and May-2007. This Court, after going through the order passed by the Rent Controller as well as the Appellate Authority, finds that both of them have appreciated the pleadings and evidence and arrived at a concurrent finding that the tenant has committed default between Dec-2006 and May-2007.

3. Considering the fact that there is a concurrent findings with regard to the wilful default, this Court does not find any reason to interfere with the order of eviction passed by the Courts below.

4. After this Court expressed that this Court is not inclined to admit the revision petition, the learned counsel for the petitioner, on instructions, submitted that the revision petitioner/tenant seeks time till 31.10.2023 to vacate the premises. The learned counsel appearing for the respondent/landlord had objected to the extension of time till 31.10.2023 and she agreed only till 31.07.2023.



CRP(MD).No.592 of 2023

WEB COPY

5. Considering the fact that it is the residential premises, this Court is of the view that time could be granted till 31.10.2023. Incase if the revision petitioner/tenant has not vacated the premises on or before 31.10.2023, the respondent/landlord is at liberty to take possession of the property without resorting to execution proceedings and with the help of police. The learned counsel for the petitioner is hereby directed to file affidavit of undertaking to the effect that she will vacate the premises on or before 31.10.2023. The said affidavit shall be filed or or before 10.03.2023.

6. With the above observation, the Civil Revision Petition stand dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

7. Post 'for reporting compliance' on **10.03.2023**.

03.03.2023

Index : Yes / No
Internet : Yes / No
Rmk



CRP(MD).No.592 of 2023

To

1. The Rent Control Appellate Authority (Subordinate Court),
Tiruchendur.
2. The Rent Controller (District Munsif Court), Tiruchendur.



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CRP(MD).No.592 of 2023

R.VIJAYAKUMAR ,J.,

Rmk

Order made in
CRP(MD).No.592 of 2023

Dated:
03.03.2023