



CRP(PD)(MD)Nos.2355 and 2427 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)Nos.2355 and 2427 of 2022
and CMP(MD)Nos.11402 and 11753 of 2022

CRP(PD)(MD)No.2355 of 2022

Karthick Narayanan

... Petitioner

versus

Electricity Board Employees Co-operative
Housing Society O.2193,
Through its President, Venkatachalam
Door No.49, E.B.Colony,
Maharaja Nagar,
Palayamkottai Taluk,
Tirunelveli District.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 23.09.2021 passed in I.A.No.2 of 2019 in R.C.A.No.4 of 2019 on the file of the Rent Control Appellate Tribunal, Principal Sub-Court, Tirunelveli.

For Petitioner : Mr.S.A.Ganapathyraman



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... Petitioner

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Through its President, Venkatachalam
Door No.49, E.B.Colony,
Maharaja Nagar,
Palayamkottai Taluk,
Tirunelveli District.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 31.10.2022 passed in E.P.No.222 of 2018 in R.C.O.P.No.59 of 2015 on the file of the Principal District Munsif Court, Tirunelveli.

For Petitioner : Mr.S.A.Ganapathyraman

COMMON ORDER

CRP(PD)(MD)No.2355 of 2022 is filed as against the order dated 23.09.2021 passed in I.A.No.2 of 2019 in R.C.A.No.4 of 2019 on the file of the Rent Control Appellate Tribunal, Principal Sub-Court, Tirunelveli.



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2. CRP(PD)(MD)No.2427 of 2022 is filed as against the order dated 31.10.2022 passed in E.P.No.222 of 2018 in R.C.O.P.No.59 of 2015 on the file of the Principal District Munsif Court, Tirunelveli.

3. The petitioner herein is the tenant. The respondent/landlord filed an eviction petition in R.C.O.P.No.166 of 2014 before the Rent Control Tribunal, Principal District Munsif Court, Tirunelveli. The Rent Control Tribunal, by order dated 27.09.2018, allowed the said petition by directing the tenant to vacate the premises within 45 days. Aggrieved over the same, the petitioner/tenant preferred an appeal before the Rent Control Appellate Tribunal, Principal Sub Court, Tirunelveli in R.C.A.No.4 of 2019. Pending the appeal, the respondent/landlord filed an interlocutory application in I.A.No.2 of 2019 under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, seeking a direction to the tenant to pay the arrears of rent of Rs.58,500/-, which was allowed by the Rent Control



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Appellate Tribunal, by Judgment dated 23.09.2021. Challenging the same, the petitioner/tenant preferred CRP(MD)No.2355 of 2022. In the meantime, the respondent/landlord has also filed an Execution Petition in E.P.No.222 of 2018 before the Principal District Munsif Court, Tirunelveli. The said Execution Petition was allowed on 31.10.2022 for delivery. Aggrieved over the same, the petitioner/tenant preferred CRP(MD)No.2427 of 2022 before this Court.

4. When the Civil Revision Petitions are taken up for hearing, the learned counsel appearing for the petitioner submits that the petitioner is running a business establishment in the suit schedule property and therefore, he requires eight months' time to vacate the premises and handover the same to the respondent/landlord. The petitioner has also filed an undertaking affidavit to that effect.

5. Though this Court is not inclined to entertain the Civil Revision Petitions on the grounds raised in the Civil Revision Petitions,



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considering the request made by the petitioner that since he is running a business establishment, he requires eight months' time to find out an alternative place and to vacate the premises, this Court is inclined to grant eight months' time to vacate the premises and hand over the possession to the respondent/landlord.

6. Accordingly, both the Civil Revision Petitions are disposed of with a direction to the petitioner/tenant to vacate the premises and hand over the possession to the respondent/landlord, within a period of eight months from today, i.e. on or before 09.09.2023. The undertaking affidavit shall form part of the order. No costs. Consequently, connected miscellaneous petitions are closed.

10.01.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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To

1. The Principal Sub-Court,
Tirunelveli.

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