



CRP(NPD)(MD)Nos.1088 and 1089 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**CRP(NPD)(MD)Nos.1088 and 1089 of 2017**

**and**

**CMP(MD)No.4775 of 2017**

**CRP(NPD)(MD)No.1088 of 2017**

A.S.Shahul Hameed

... Petitioner

versus

Jesima Beevi (died)

Mahaboob Ali (died)

1. Sheik Mansoor

2. Yusuf

Mohideen Meeral Beevi (died)

3. Sabural Beevi

Ahamed Fathu (died)

4. Shajahan

5. Mydeen Pathu

6. Ummu Salman

7. Kaja Noor

8. Abitha

9. Fazil

10. Rizwana

11. Mohideen Kutty

12. Hydrook

13. Sidhi

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14. Hymann

... Respondents

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Civil Revision Petition filed under Section 25(1) of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960, as amended by Act 23 of 1973 and Act 1 of 1980, against the fair and decreetal order dated 28.02.2017 made in R.C.A.No.1 of 2011 on the file of the Rent Control Appellate Authority (Principal Subordinate Judge) Tirunelveli, confirming the fair and decreetal order dated 17.09.2010 made in R.C.O.P.No.111 of 2013 on the file of the I Additional Rent Controller (I Additional District Munsif), Tirunelveli.

For Petitioner : Mr.M.S.Abuthahir  
For R1 and R4 : No appearance  
For R2, R3,  
R5 to R14 : Mr.D.Nallathambi

**CRP(NPD)(MD)No.1089 of 2017**

1. A.S.Shahul Hameed  
2. A.S.Syed Mohamed

... Petitioners

versus

Jesima Beevi (died)  
Mahaboob Ali (died)  
1. Sheik Mansoor  
2. Yusuf  
Mohideen Meeral Beevi (died)



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3. Sabural Beevi
4. Mydeen Pathu
5. Ummu Salman
6. Kaja Noor
7. Abitha
8. Fazil
9. Rizwana
10. Mohideen Kutty
11. Hydrook
12. Sidhi
13. Hymann

... Respondents

Civil Revision Petition filed under Section 25(1) of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960, as amended by Act 23 of 1973 and Act 1 of 1980, against the fair and decreetal order dated 28.02.2017 made in R.C.A.No.2 of 2011 on the file of the Rent Control Appellate Authority (Principal Subordinate Judge) Tirunelveli, confirming the fair and decreetal order dated 17.09.2010 made in R.C.O.P.No.32 of 2004 on the file of the I Additional Rent Controller (I Additional District Munsif), Tirunelveli.

For Petitioners : Mr.M.S.Abuthahir

For Respondents : Mr.D.Nallathambi



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### **COMMON ORDER**

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CRP(NPD)(MD)Nos.1088 of 2017 has been filed by the petitioner/tenant against the fair and decreetal order dated 28.02.2017 made in R.C.A.No.1 of 2011 on the file of the Rent Control Appellate Authority (Principal Subordinate Judge) Tirunelveli, confirming the fair and decreetal order dated 17.09.2010 made in R.C.O.P.No.111 of 2013 on the file of the I Additional Rent Controller (I Additional District Munsif), Tirunelveli.

2. CRP(NPD)(MD)Nos.1089 of 2017 has been filed by the petitioners/tenants against the fair and decreetal order dated 28.02.2017 made in R.C.A.No.2 of 2011 on the file of the Rent Control Appellate Authority (Principal Subordinate Judge) Tirunelveli, confirming the fair and decreetal order dated 17.09.2010 made in R.C.O.P.No.32 of 2004 on the file of the I Additional Rent Controller (I Additional District Munsif), Tirunelveli.



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3. Today, when both the Civil Revision Petitions are taken up for hearing, the learned counsel appearing for the petitioners submits that the first petitioner is the father of the second petitioner and both the petitioners are jointly carrying on rice business in the petition mentioned premises and in order to find out an alternate place to shift their business, they require eighth months' time to vacate the premises. In this regard, the first petitioner has also filed an undertaking affidavit that they will vacate the premises within eight months.

4. Though this Court is not inclined to entertain the Civil Revision Petitions on the grounds raised therein, considering the request made by the petitioners that since they are carrying on rice business in the premises and in order to find out an alternate place to shift their business, they requires eight months' time to vacate the premises, this Court is inclined to grant eight months' time to the petitioners to vacate the premises and hand over the possession to the landlords.



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5. Accordingly, both the Civil Revision Petitions are disposed of with a direction to the petitioners to vacate the premises and hand over the possession to the landlords, within a period of eight months from today, i.e. on or before 09.09.2023. The petitioners shall pay the rent to the landlords till the date of vacating the premises without any default. No costs. Consequently, connected miscellaneous petition is closed.

**10.01.2023**

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The learned Principal Subordinate Judge,  
Tirunelveli.

2. The I Additional District Munsif,  
Tirunelveli.

3. The Section Officer,  
V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.

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**B.PUGALENDHI, J.**

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**10.01.2023**