



C.R.P.No.1106 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.1106 of 2024
and C.M.P.No.5755 & 19953 of 2024

A.L.Palaniappan

... Petitioner

Vs

M.Janakiraman

... Respondent

PRAYER : Civil Revision Petition filed Article 227 of the Constitution of India, pleaded to set aside the fair and decreetal order dated 02.09.2023 made in RLTA.No.164 of 2022 on the file of the VI Additional City Civil Court, Chennai, by confirming the order and decree dated 14.09.2022 passed in RLTOP No.657 of 2021 by the X Small Causes Court (Rent Court), Chennai in so far as ordering evicting under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017.

For Petitioner : Mr.C.Venkatesan

For Respondent : Mr.B.Nedunchezhiyan



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ORDER

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This Civil Revision Petition has been filed against the order dated 02.09.2023 passed by the VI Additional City Civil Court, Chennai, in RLTA.No.164 of 2022, confirming the order passed by the X Small Causes Court, Chennai in RLTOP No.657 of 2021 dated 14.09.2022.

2. The revision petitioner is a tenant and the respondent is a landlord. The X Small Causes Court, Chennai, by an order dated 14.09.2022 in RLTOP.No.657 of 2021 has ordered the eviction under Section 21(2) (a) Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 and directed the petitioner to vacate the petition premises and hand over the vacant possession to the respondent/landlord within one month from 14.09.2022. Aggrieved over the same, the petitioner/tenant has filed an appeal in RLTA.No.164 of 2022 before the VI Additional City Civil Court, Chennai and the learned Appellate Judge, by an order dated 02.09.2023 has confirmed the order passed by the learned trial Judge and dismissed the appeal. Therefore, the petitioner has filed the present revision petition.



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3. Learned counsel for the petitioner submitted that the execution petition is posted for delivery and the petitioner has decided to vacate the premises and he seeks some time to vacate and he undertakes to vacate and hand over the petition premises to the respondent/landlord within two months and he has also filed an Affidavit of Undertaking regarding the same and therefore, a direction may be issued to the executing court to keep the execution petition pending till such time. He also prayed that this civil revision petition may be disposed based on the undertaking given by the petitioner.

4. The petitioner is present before this Court and he also undertakes that he will vacate and hand over the premises to the respondent on or before 20.11.2024. He further prayed that the execution petition may be kept pending till then.

5. Learned counsel for the respondent submitted that the respondent has no objection to the petitioner vacating the petition premises within two months and he also submitted that the revision petition may be disposed of in terms of the undertaking given by the petitioner.

6. Heard the learned counsel appearing for both sides and perused the



materials available on record.

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7. The Affidavit of Undertaking dated 20.09.2024 filed by the petitioner

before this Court is extracted hereunder :-

" I, A.L.Palaniappan, son of K.Alagappan, Hindu, aged about 53 years, residing at Flat No.G F B1 Ground floor, Girija Apartments, MMDA. Signal, 100 Feet Road, Vinayagapuram, Arumbakkam, Chennai – 600 106, do hereby solemnly affirm and sincerely state as follows :

1. I submit that I am one the petitioner herein and I know the facts and circumstances of the case very well.

2. I submit that I am a tenant in the abovesaid address I have been residing in the above said address for the past 14 years. The Respondent/Landlord filed the RLTOP No. 657 of 2021 same was decreed based the E.P.No.1006 of 2023 was filed now E.P. posted for delivery stage and I have prepared the RLTOP No.164 of 2022 the Additional Court confirmed the RLTOP. order against which I prepared the CRP No.1106 of 2024 the CRP. is pending before this Hon'ble High Court of Madras.

3. I submit that in between time I am the petitioner/Tenant undertake to vacate and handover the possession to Landlord for Respondent within two months from the date of filing of this affidavit.

It is therefore prayed that this Hon'ble Court may be pleased to accept my undertaking affidavit of vacating premises within two months from this affidavit and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

8. Taking into consideration the Affidavit of Undertaking dated 20.09.2024



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filed by the petitioner and recording the submissions made by the learned counsels on both sides, this Civil Revision Petition stands disposed of with a direction to the petitioner to vacate the premises and hand over the vacant possession of the premises to the respondent on or before **20.11.2024**. Further, the Executing Court is directed to keep the execution petition in E.P.No.1006 of 2023 pending till 20.11.2024.

9. The Affidavit of Undertaking dated 20.09.2024 filed by the second petitioner shall form part of the Court records. Consequently, the connected miscellaneous petitions are also closed. No costs.

23.09.2024

Index : Yes / No
Neutral Citation : Yes / No
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To
1. The VI Additional City Civil Court, Chennai.
2. The X Small Causes Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.
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