



THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : **30.08.2024**

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.(NPD)No.1099 of 2024

and

C.M.P.No.5707 of 2024

B.Kumar

...Petitioner

Vs.

C.Natarajan (Died)

1. Jayanthi
2. D.Kalaivani
3. D.Poongodi

...Respondents

PRAYER: Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control), Act, 1960, against the judgment and decree dated 07.09.2023 passed by the Court of Principal Subordinate Judge, Erode in R.C.A.No.05 of 2021 in confirming the fair and final order dated 04.03.2021 passed in R.C.O.P.No.03 of 2018 on the file of the Rent Controller / Principal District Munsif, Erode.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.P.K.Harinath Babu
for Mr.V.Balamurugane



ORDER

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This Civil Revision Petition has been filed against the order dated 07.09.2023 passed by the Principal Subordinate Judge, Erode in R.C.A.No.05 of 2021, confirming the order dated 04.03.2021 passed by the Principal District Munsif, Erode in RCOP.No.03 of 2018.

2. The petitioner is the tenant and the deceased C.Natarajan is the respondent/landlord, who is the father of respondents 1 to 3. The respondent has filed a petition before the Rent Controller in R.C.O.P.No.03 of 2018 under Sections 10(2)(i), 10(3)(a)(i) and 14(1) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 for eviction. The learned Principal District Munsif, Erode, Chennai by order dated 04.03.2021 in R.C.O.P.No.03 of 2018 had allowed the petition and ordered eviction, against which, the petitioner/tenant has preferred an appeal in R.C.A.No.05 of 2021 before the Principal Subordinate Judge, Erode. The Appellate Court by order dated 07.09.2023 has dismissed the appeal and confirmed the order passed by the Trial Court, against which, the present Civil Revision Petition has been filed.



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3. The learned counsel for the petitioner submits that the petitioner has filed an affidavit dated 30.08.2024 before this Court, undertaking to vacate and hand over vacant possession of the schedule property on or before 30.04.2025. The learned counsel for the petitioner would submit that the petitioner has all along depositing the rent before the Rent Controller in R.C.O.P.No.03 of 2018 and he has no objection to the landlord withdrawing the rent. The learned counsel for the petitioner/tenant would pray that based on the undertaking, the Civil Revision Petition may be disposed of.

4. In paragraphs 7 and 8 of the affidavit dated 30.08.2024, the petitioner has stated as follows:

“7) I state that I will be put to imparable hardship and agony if I am asked to vacate the house in light of the facts narrated supra. I state that my school going children will be put to unnecessary sufferings since they have to travel a long distance if we vacate the house. I therefore seek the indulgence



of this Hon'ble Court to grant me a further time of seven months till 30.04.2025 to vacate and deliver vacant possession to the landlords. I seek the indulgence of this Hon'ble Court to kindly grant me further period of time up to 30.04.2025 for vacating the premises by considering my distress situation and also by taking into account of my children's education. I state that this Hon'ble Court may kindly consider my request on humanitarian basis and grant me further time as prayed for.

(8) I state that in the event of this Hon'ble Court granting me time up to 30.04.2025 for vacating the house, I shall seek for an alternate accommodation and I submit that I will not pray for further time extension before this Hon'ble Court I humbly submit that this Hon'ble Court may consider my request and pass appropriate orders in the interest of justice.”



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5. The learned counsel for the respondents has also agreed to the said factum and also submitted that the respondents will not proceed with the Execution Petition.

6. Both the counsel appearing for the petitioner/tenant and the respondents submitted that in view of the undertaking given by the petitioner/tenant, this Revision Petition may be disposed of.

7. Taking into consideration the Affidavit dated 30.08.2024 filed by the petitioner/tenant and recording the submissions of the learned counsels on both sides, this Civil Revision Petition stands disposed of with a direction to the petitioner/tenant to vacate and hand over the vacant possession of the schedule property to the respondents **on or before 30.04.2025**. It is also made clear that the petitioner shall continue to deposit the rents every month without any delay before the Rent Controller till vacating the house. On such deposit being made, the respondents are entitled to withdraw the same.



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8. The affidavit of undertaking dated 30.08.2024 filed by the petitioner/tenant shall form part of the Court records. Consequently, the connected Miscellaneous Petition is closed. No costs.

30.08.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order
srn

To:-

1. The Principal Subordinate Judge, Erode
2. The Rent Controller / Principal District Munsif, Erode.



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A.D.JAGADISH CHANDIRA, J.

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