



C.R.P.No.2059 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2059 of 2024
and
C.M.P.No.10992 of 2024

Murthy

... Petitioner

Vs.

Y.Rajeevi

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order [web copy] dated 26.04.2024 passed in E.P.No.556 of 2023 by the learned XV Judge, Small Causes Court, Chennai.

For Petitioner : Mr.K.R.Ramesh Kumar
for Mr.M.Murali

For Respondent : Mr.Prakash Goklaney



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ORDER

This civil revision petition is filed to set aside the order dated 26.04.2024 passed in E.P.No.556 of 2023 by the learned XV Judge, Small Causes Court, Chennai.

2.The contention of the learned counsel for the petitioner/tenant in R.L.T.O.P.No.190 of 2022 on the file of the XV Court of Small Causes, Chennai faced a prosecution by the respondent/landlord for carrying out demolition and reconstruction of the schedule building which was constructed in the year 1944. with lime and mortar and seeking the relief under Section 21(2)((a) and (e) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 [TNRRLT Act]. By judgment and decree dated 20.02.2023, the prayer sought for under Section 21(2)(a) of TNRRLT Act was allowed and as regards the prayer sought for under Section 21(2)(e) of TNRRLT Act was dismissed with a direction to the petitioner to vacate and hand over vacant possession of the petition premises to the respondent within one month from the date of the order.



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Aggrieved against the same, the petitioner preferred an appeal in R.L.T.A.No.124 of 2023. The Appellate Authority by judgment dated 02.11.2023 dismissed the appeal by confirming the order passed in R.L.T.O.P.No.190 of 2022. Thereafter, the respondent/landlord filed a petition in E.P.No.556 of 2023 seeking delivery and possession as per the judgment in R.L.T.O.P.No.190 of 2022 and the petitioner resisted the same. In the meanwhile, the petitioner preferred a revision before this Court in C.R.P.No.24 of 2024 and the same was admitted on 05.01.2024. Though a stay petition in C.M.P.No.84 of 2024 was filed, no order passed. The said Civil Revision Petition was listed on 26.02.2024, the same was not reached on that day and it was posted to 06.03.2024. In the meanwhile, the EP Court was forcing the petitioner to vacate since no stay order obtained. He would submit that the petitioner produced the e-Court adjudication along with adjournment petition but the EP Court not considered the same and recorded that as there exists no stay, delivery of vacant premises is ordered and delivery by 20.06.2024. Having no other option, the petitioner preferred the present petition.



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3.The learned counsel for the respondent/landlord submitted that the petitioner represented to the respondent stating that they would hand over the vacant possession and sought some time and his request was considered. Later, it came to know that the petitioner's true intention is not to hand over vacant possession and only to delay the process in EP Court, hence steps taken and now delivery of vacant premises ordered.

4.At this stage, the learned counsel for the petitioner submitted that the petitioner is ready to hand over vacant possession and his only request is that he needs some time to hand over the vacant possession by 25.03.2025, an affidavit filed to that effect and a copy of the same served to the respondent/landlord who is agreeable to the same. A scanned reproduction of the affidavit is as follows:



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)**

C.R.P.No. 2059 of 2024

Mr.Murthy
S/o.Late Mr.Elumalai
Old Door No.151/2, New Door No.318,
Royapettah High Road,
Mylapore, Chennai-600 004

... Petitioner

* -Vs-

Y.Rajeevi,
S/o.Late Y.Nageswara Rao,
Old Door No.128/1, New Door No.170,
Shantimanor Apartment,
Ground Floor, B-1, Kutchery Road,
Mylapore, Chennai-600 004

... Respondent

AFFIDAVIT OF MR.MURTHY

I, Mr.Murthy, son of late Mr.Elumalai, aged about 60 years, having shop at Old Door No.151/2, New door No.318, Royapettah High Road, Mylapore, Chennai-600 004, do hereby solemnly affirm and sincerely state as follows:

1. I am the Petitioner herein and as such I am well acquainted with the facts of the case.
2. I humbly submit that I have filed the above civil revision petition aggrieved against the order passed by the XV Judge, Small Causes Court, Chennai in E.P.No.556/2023 dated 26.04.2024.
3. I state that I hereby undertake to vacate and hand over vacant possession of the petition schedule mentioned property in the hands of the Respondent on or before 25.03.2025, without driving the respondent to any kind of litigation including execution.
4. I state that I hereby undertake to pay the prevailing rent to the Respondent without any default till my handing over possession.

E. Murthy



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5. I state that I hereby undertake that I will not sublet to any third party in the meanwhile.

In these circumstances, it is humbly prayed that this Hon'ble Court may be pleased to record the above affidavit and pass suitable orders in the above CRP and thus render justice.

Solemnly affirmed at Chennai]

On this the 26th day of July]

2024 and signed his name in]

My presence]

E. Aravind

Before Me,

L. V. Raghav NS/27.07/2024

2001, Anna Nagar, Chennai-600028

Advocate ::: Chennai

Identified by me

H. J. J.

Counsel for Petitioner



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WEB COPY 5. Recording the above, the Civil Revision Petition stands disposed of.

Consequently, after the petitioner vacates the premises on 25.03.2025 the proceedings before the EP Court in E.P.No.556 of 2023 shall stand terminated. No costs. Consequently, connected miscellaneous petition is closed.

26.07.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

The XV Judge,
Small Causes Court,
Chennai.



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M.NIRMAL KUMAR, J.

cse

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