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C.R.P.No.2061 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.2061 of 2024
and C.M.P.No.10996 of 2024

M/s.Chennai Cycle Shop,
Rep. By its Partnership
1.Mr.Mohd Aejez Ahmad
2.Mr.Syed Ameer
Both at Old Door No.151/2,
New Door No.314,
Royapettah High Road,
Mylapore, Chennai – 600 004.

... 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 10.04.2024 in RLTA.No.170 of 2023 on the file of the the learned II Additional Judge, City Civil Court, Chennai confirming the order dated 19.04.2023 passed in R.L.T.O.P.No.221 of 2022 on the file of the 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 10.04.2024 on the file of the the learned II Additional Judge, City Civil Court, Chennai confirming the order dated 19.04.2023 passed in R.L.T.O.P.No.221 of 2022 on the file of the XV Judge, Small Causes Court, Chennai.

2.The contention of the learned counsel for the petitioner/tenant in R.L.T.O.P.No.221 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



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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.

Aggrieved against the same, the petitioner preferred an appeal in R.L.T.A.No.170 of 2023. The Appellate Authority by judgment dated 10.04.2024 dismissed the appeal by confirming the order passed in R.L.T.O.P.No.221 of 2022. Thereafter, the respondent/landlord filed a petition in E.P.No.703 of 2023 seeking delivery and possession as per the judgment in R.L.T.O.P.No.221 of 2022 and the petitioner resisted the same. He would submit that the petitioner filed a memo before the EP Court seeking adjournment by stating that the petitioner decided to file an appeal before this Court and to get an order of stay of EP proceedings. But the EP Court not considered the same and recorded that mere filing of appeal or Civil Revision Petition will not automatically stay or cause impediment to the execution proceedings. Further, it is recorded that as per Section 39 of the TNRRRLT Act, the EP shall dispose the execution petition within 30 days from the date of service of notice on opposite party, hence 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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(Civil Appellate Jurisdiction)**

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M/s.Chennai Cycle Shop
Rep. by its partners
1.Mr.Mohd Aejez Ahmad
2.Mr.Syed Ameer
Both at Old Door No.151/2,
New Door No.314,
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, Kutcheri Road,
Mylapore, Chennai-600 004

... Respondent

AFFIDAVIT OF SYED AMEER

I, Mr.Syed Ameer, son of Mr.K.Syed Hussain, aged about 57 years, the partner of M/s.Chennai Cycle Shop, carrying on business at Old No.151/2, New Door No.314, 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 judgment and decree dated 10.04.2024 passed in RLTA.No.171/2023, on the file of the II Additional Judge, City Civil Court, Chennai, confirming the order dated 18.04.2023 passed in RLTOP.No.188/2022, on the file of XV Judge, Small Causes Court, Chennai.



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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.
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]

Identified by me
T. J. [Signature]
Counsel for Petitioner.

[Signature]
Before Me,
L. K. Raju, HS. 2221/2024,
District Building, Chennai-103,
Advocate ::: Chennai



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Consequently, after the petitioner vacates the premises on 25.03.2025 the proceedings before the EP Court in E.P.No.703 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

- 1.The XV Judge,
Small Causes Court,
Chennai.
- 2.The II Additional Judge,
City Civil Court,
Chennai.



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M.NIRMAL KUMAR, J.

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26.07.2024