



WEB COPY



C.R.P. No.2282 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HONOURABLE THIRU JUSTICE **A.D.JAGADISH CHANDIRA**

C.R.P.Nos.2282 and 1846 of 2024
and CMP No.12022 of 2024

S.Moorthy

.... Petitioner in CRP No.2282 of 2024
and Respondent in CRP No.1846 of 2024

vs

G.K.Dhanasekar

.... Respondent in CRP No.2282 of 2024
and Petitioner in CRP No.1846 of 2024

Civil Revision Petitions filed under Section Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 to set aside the order dated 11.03.2024 made in RCA Nos.16 of 2023 (CRP No.2282 of 2024) and 59 of 2023 (CRP No.1846 of 2024) on the file of VII Judge, Court of Small Causes, Chennai (Rent Control Appellate Authority), confirming the order of eviction made in RCOP No.1007 of 2013 (CRP No.2282 of 2024) dated 21.12.2022 on the file of XIV Judge, Small Causes Court, Chennai (Rent Controller) and confirming the fair and decreetal order made in RCOP No.1008 of 2013 (CRP No.1846 of 2024) dated 21.12.2022 on the file of XIV Judge, Small Causes Court, Chennai (Rent Controller).



WEB COPY



C.R.P. No.2282 of 2024

For Petitioner in : Mr.P.Sidharthan
CRP No.2282/2024
& Respondent in
CRP No.1846/2024

For Respondent : Mr.V.Sivakumar
in CRP No.2282/2024
& Petitioner in
CRP No.1846/2024

COMMON ORDER

These Civil Revision petitions have been filed to set aside the order dated 11.03.2024 made in RCA Nos.16 of 2023 (CRP No.2282 of 2024) and 59 of 2023 (CRP No.1846 of 2024) on the file of VII Judge, Court of Small Causes, Chennai (Rent Control Appellate Authority), confirming the order of eviction made in RCOP No.1007 of 2013 (CRP No.2282 of 2024) dated 21.12.2022 on the file of XIV Judge, Small Causes Court, Chennai (Rent Controller) and confirming the fair and decreetal order made in RCOP No.1008 of 2013 (CRP No.1846 of 2024) dated 21.12.2022 on the file of XIV Judge, Small Causes Court, Chennai (Rent Controller).



C.R.P. No.2282 of 2024

2. Both the petitioner/tenant and the respondent/landlord are present before this Court today and the petitioner submits that he will abide by the undertaking filed before this Court.

3. Mr.P.Sidharthan, learned counsel for the petitioner in C.R.P No2282 of 2024 would submit that he is a tenant under the respondent/landlord and that the petitioner has decided to vacate the premises on or before 30.04.2025 and he has filed an affidavit to that effect and learned counsel further submits that CRP No.2282 of 2024 may be disposed of in terms of the affidavit filed by the petitioner. The affidavit of undertaking reads as follows:-

“ AFFIDAVIT OF S.MOORTHY

I S.Moorthy S/o.Somasundaram, aged 69 years, and carrying on business in the name and style as Moorthy Motor Works at Old No.125/1, New 104/1, Swami Naicken Street, Chindripet, Chennai-600 002 solemnly affirm and sincerely state as follows:-

- 1. I am the petitioner herein as such I am well acquainted with facts and circumstances of the case.*
- 2. I have preferred this Memorandum of Civil Revision Petition against the order and decretal*



order in R.C.A.No.16 of 2023 on the file of the VII Judge Court of Small Causes, Madras (Rent Control Appellate Authority) dated 11/03/24 confirming the order of Eviction made in R.C.O.P.No.1007 of 2013 dated 21/12/2022 on the file of the XIV Judge, Small Causes Court, Chennai (Rent Controller).

3. I submit that when a matter came up for final hearing on 19/09/2024, it was proposed to give some time for vacating as I was already having pending repair works for Cars which has come up for repair. After much negotiation, it was agreed to vacate and hand over the schedule property, the shop in occupation on or before 30.04.2025 and accordingly I was directed to file an affidavit of undertaking to that effect.

4. I submit that in view of the same I will vacate and hand over vacant possession of the schedule property on or before 30/04/2025.

5. I further submit that I will continue to pay the land rent of Rs.500/- per month to the respondent.

6. I submit that respondent during the above said period should not obstruct the petitioner shop by keeping his vehicle in front of his shop and or do any harm to the petitioner business in any manner by



C.R.P. No.2282 of 2024

himself or through any other person claiming under him.

I therefore pray that this Hon'ble Court may please to record my affidavit of undertaking and pass suitable orders as this Hon'ble Court deem fit and thus render justice.”

4. Learned counsel for the respondent/landlord would submit that he has no objection in disposing the Civil Revision Petition in terms of the affidavit filed by the petitioner.

5. In view of the affidavit filed by the petitioner, CRP No.2282 of 2024 is disposed of with a direction to vacate and handover the scheduled property on or before 30.04.2025.

6. CRP No.1846/2024: In view of the settlement arrived between the parties and since the petitioner in CRP No.2282 of 2024 has filed an affidavit undertaking to vacate the premises on or before 30.04.2025, the learned counsel for the petitioner in CRP No.1846 of 2024 has made an endorsement in the court



C.R.P. No.2282 of 2024

bundle that the Civil Revision may be dismissed as not pressed.

WEB COPY

A.D.JAGADISH CHANDIRA,J.,

sr

7. In view of the endorsement made by the learned counsel for the petitioner, CRP No.1846 of 2024 is dismissed as not pressed.

No costs. Consequently, connected miscellaneous petition is closed.

23.09.2024

sr

Index:yes/no

Website:yes/no

To

- 1.VII Judge, Court of Small Causes, Chennai
2. XIV Judge, Court of Small Causes, Chennai

C.R.P.Nos.2282 and 1846 of 2024