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C.R.P.No.2467 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM :

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

**C.R.P.No.2467 of 2024**  
**and C.M.P.No.12864 of 2024**

1. M/s.Central Motors,  
Represented by its Partners,  
Old No.10, New No.110, Ground Floor,  
General Patters Road,  
Chennai – 600 002.  
Harichand (Deceased)

2. Sanjay

... Petitioners

Vs

1. Amit M Rajani

2. Rajkumar

... Respondents

**PRAYER** : Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, pleaded to set aside the fair and decreetal order dated 18.04.2024 in RCA.No.58 of 2022 passed by the learned IX Judge, Small Causes Court, Chennai, by confirming the fair and decreetal order dated 18.02.2022 passed in RCOP No.755 of 2016 by the learned X Judge, Small Causes Court, Chennai.

For Petitioners : Mr.G.Mahendran

For R1 : Mr.G.Syed Mansoor



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## **ORDER**

This Civil Revision Petition has been filed against the order dated 18.04.2024 passed by the learned IX Judge, Small Causes Court, Chennai, in RCA.No.58 of 2022, confirming the order passed by the X Small Causes Court, Chennai in RCOP No.755 of 2016 dated 18.02.2022.

2. The first petitioner partnership firm is tenant at the first respondent's premises located at Old No.10, New No.110, Ground Floor, General Patters Road, Chennai – 600 002. The X Small Causes Court, Chennai, by an order dated 18.02.2022 in RCOP.No.755 of 2016 has ordered eviction and directed the petitioners to vacate and hand over the vacant possession of the petition premises to the first respondent within two months. Aggrieved over the same, the petitioner has filed an appeal in RCA.No.58 of 2022 before the learned IX Judge, Small Causes Court, Chennai and the learned Appellate Judge, by an order dated 18.04.2024 has confirmed the order passed in RCOP.No.755 of 2016 and dismissed the appeal. Therefore, the present revision petition has been filed against the dismissal orders.



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3. Learned counsel for the petitioners submitted that the first petitioner partnership firm intends to vacate and hand over the premises to the first respondent/landlord, however, he only seeks a period of nine months to vacate the premises. The second petitioner, who is also one of the partners of the 1<sup>st</sup> petitioner, has filed an Affidavit of Undertaking before this Court to that effect.

4. Learned counsel for the first respondent has also agreed to the said factum and both the counsel for the petitioners and the first respondent submitted that in view of the undertaking given by the 2<sup>nd</sup> petitioner, this revision petition may be disposed of.

5. Heard the learned counsel appearing for both the petitioners and the first respondent and perused the materials available on record.

6. The Affidavit of Undertaking dated 12.09.2024 filed by the 2<sup>nd</sup> petitioner before this Court is extracted hereunder :-

*"I, Sanjay, Partner, M/s. Central Motors, carrying on business in Old No. 10, New No. 110, Ground Floor, General*



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*Patters Road, Chennai- 600 002, do hereby solemnly affirm and sincerely state as follows:*

*1. I am one of the partners in the 1st petitioner partnership firm, also the 2nd Petitioner in this M.P. and as such well acquainted with the facts of the case. I am also competent to swear to this Affidavit.*

*2. I humbly submit that the First Respondent herein had filed the above eviction Petition in RCOP No. 755 of 2016 before the X Judge, Small Causes Court, Chennai on the ground of owner's occupation and the same was allowed on merits on 18.02.2022. I humbly further submit that aggrieved the said order dated 18.02.2022, we had prepared in appeal in RCA No.58 of 2022 before the IX Judge, Small Causes Court Chennai and the same was dismissed on 18.04.2024 and confirming the order passed by the Rent Control Authority dated 18.02.2022.*

*3. I humbly submit that aggrieved the said order, we had filed the above Civil Revision Petition in CRP No.2467 of 2024. I further submit that that we are the tenant in respect of the tenanted premises for the past several years and we have regular customers from the said locality and the aforesaid circumstances to shift business premises from the tenanted premises to other suitable accommodation on the same locality would take some time. Hence I am seeking 9 months time to vacate and hand over the vacant premises of the tenanted premises to the 1st Respondent/ Land Lord.*

*4. I humbly submit that I hereby undertake to vacate and handed over the tenanted premises to the 1st Respondent/Landlord with in 9 (Nine) months from the date of order passed in the above CRP and the CRP maybe disposed off in pursuance of recoding my undertaking."*

7. Taking into consideration the Affidavit of Undertaking dated 12.09.2024



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filed by the 2<sup>nd</sup> 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 petitioners to vacate the premises and hand over the vacant possession of the premises to the first respondent within **nine months from today** (on or before 12.06.2025).

8. The Affidavit of Undertaking dated 12.09.2024 filed by the second petitioner shall form part of the Court records. Consequently, the connected miscellaneous petition is also closed. No costs.

**12.09.2024**

Index : Yes / No  
Neutral Citation : Yes / No  
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To

1. The IX Small Causes Court, Chennai.
2. The X Small Causes Court, Chennai.



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**A.D.JAGADISH CHANDIRA, J.**

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**12.09.2024**