



C.R.P.No.2889 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

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

C.R.P.No.2889 of 2024
and CMP No.15357 of 2024

1. S.Palanivel
2. S.Muthukumaran

.... Petitioners

VS

- 1 Mrs.A.Saroja
- 2.M.Kalaiselvi
- 3.M.Anbarasi
- 4.M.Panneerselvam

.... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and decreetal order dated 16.04.2024 made in RLTA No.15 of 2024 on the file of learned VI Additional City Civil Judge, Chennai, confirming the fair and decreetal order dated 02.11.2023 made in RLTOP No.8 of 2023 on the file of XV Small Causes Court, Chennai.

For Petitioners : Mr.M.Suresh Kumar

For Respondents : Mr.M.Balasubramanian

ORDER



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The Civil Revision Petition has been filed against the fair and decreetal order dated 16.04.2024 made in RLTA No.15 of 2024 on the file of learned VI Additional City Civil Judge, Chennai, confirming the fair and decreetal order dated 02.11.2023 made in RLTOP No.8 of 2023 on the file of XV Small Causes Court, Chennai.

2. The petitioners are the tenants and the respondents are the landlords. The respondents have filed a petition for eviction under Section 21(2)(a), 21(2)(b) and 23 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The Rent Controller/XV Judge, Court of Small Causes, Chennai by order dated 02.11.2023 in RLTOP No.8 of 2023 had allowed the petition under Section 21(2)(a) of the Act and ordered eviction, against which, the petitioners/tenants have preferred an appeal in RLTA No.15 of 2024 before the VI Additional City Civil Court, Chennai and the appellate Court by order dated 16.04.2024 has dismissed the appeal and confirmed the order passed by the Rent Controller/XV Judge, Court of Small Causes, Chennai, against which, the present Civil Revision Petition has been filed.



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3. Learned counsel for the petitioners/tenants would submit that the petitioners have decided to vacate and hand over the vacant possession of the premises and they only seek four months' time to vacate and hand over the possession. Learned counsel would further submit that Mr.S.Palanivel and Mr.S.Muthukumaran have filed joint affidavit before this Court, undertaking to vacate and hand over vacant possession in four months and pray that the Civil Revision Petition may be disposed of and decree may be passed in terms of the joint affidavit of undertaking. The joint affidavit of undertaking reads as follows:-

“JOINT AFFIDAVIT OF S.PALANIVEL & S.MUTHUKUMARAN

We, S.Palanivel, aged 59 years and S.Muthukumarn, aged 53 years, both sons of Late Srinivasan, both residing at 27/55, Ground Floor, 1st Main Road, CIT Nagar, Nandanam, Chennai-600 035 do hereby solemnly affirm and sincerely state as follows:-

- 1. We are the Revision Petitioners in the above CRP No.2889/2024 pending before this Hon'ble Court and as such we are well aware of the facts of the case and duly competent to swear to this affidavit.*
- 2. We state that we have filed the above CRP against the Fair and Decretal Order in RLTA No.15/2024 passed by the Ld.VI Addl.City Civil Judge, Chennai whereby the Order of eviction passed in RLTOP*



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No.8/2023 by the Ld.XV Small Causes Judge, Chennai was confirmed.

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3.It is submitted that this Hon'ble Court at the time admission after hearing our admission was not inclined to grant stay of the eviction order. At this juncture in order to give a quietus to the issue and since the premises is being used for our livelihood we are imploring the mercy of this Hon'ble Court for granting us time to vacate. Since the month of Aadi is just over, we are facing trouble in finding new space for our business. Therefore, we humbly submit that we require 3-4 months for vacating the RLTOP premises. We undertake to vacate the premises upon the expiry of the period granted by this Hon'ble Court.

4. It is therefore most respectfully prayed that this Hon'ble Court may be pleased to grant us four months time or any other time as this Hon'ble Court most graciously deems fit and pass such further orders as this Hon'ble Court may deem fit and thus render justice.”

4. Learned counsel for the respondents would submit that the first respondent is above 80 years of age and the respondents are depending upon the income derived from the rents and the petitioners are in arrears of rent, totaling to a sum of Rs.5,52,000/-.

5. Learned counsel for the petitioners would submit that though the affidavit of undertaking is filed to vacate the premises within a period of four



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months, the petitioners are willing to vacate and hand over the possession within a period of three months from today i.e., on or before 30.11.2024.

6. In view of the above submission, the petitioners are directed to vacate and hand over the vacant possession on or before 30.11.2024 and shall hand over the key before the E.P Court. The joint affidavit of undertaking shall form part of the Court records.

7. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.08.2024

sr
Index:no
website:yes

To
1. The VI Additional City Civil Court, Chennai,
2. The XV Small Causes Court, Chennai.

A.D.JAGADISH CHANDIRA,J.,



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