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C.R.P.No.3299 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3299 of 2024
and C.M.P.No.17628 of 2024

M/s.Star World,
Represented by its Partner,
Khader Ismail,
New No.101/15, Pondy Bazaar,
T.Nagar, Chennai.

... Petitioner

Vs

P.R.Ranjini

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the order dated 27.02.2024 passed by the XV Additional City Civil Court, Chennai, in R.L.T.A.No.153 of 2022.

For Petitioner : Mr.Avinash Wadhwani

For Respondent : Mr.P.Sunil

ORDER

This Civil Revision Petition has been filed against the order dated 27.02.2024 passed by the XV Additional City Civil Court, Chennai, in R.L.T.A.No.153 of 2022.



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2. The petitioner is a tenant at the respondent's premises located at New No.101/15, Pondy Bazaar, T.Nagar, Chennai. The XI Small Causes Court, Chennai, by an order dated 29.09.2022 in RLTOP No.72 of 2022 has allowed the application under the ground stipulated under Section 21(2)(a) Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 and directed the petitioner herein to vacate and hand over the vacant possession of the premises to the respondent within a month from 29.09.2022. Aggrieved over the same, the petitioner has filed an appeal in R.L.T.A.No.153 of 2022 before the XV Additional City Civil Court, Chennai and the learned Appellate Judge, by an order dated 27.02.2024 has confirmed the order passed by the learned trial Judge and dismissed the appeal. Therefore, the present revision petition has been filed against the dismissal orders.

3. Learned counsel for the petitioner submitted that the petitioner intends to vacate and hand over the premises to the respondent/landlord within three months i.e., by 30.11.2024 and he has also agreed to pay the arrears of rent at the rate of Rs.14,490/- amounting to a sum of Rs.2,17,350/- on or before 15.09.2024 and further, he agreed to pay a sum of Rs.14,490/- per month on 05.09.2024,



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05.10.2024 and 05.11.2024. He also submitted that the petitioner has also filed an Affidavit of Undertaking before this Court to that effect and this civil revision petition may be disposed of based on the undertaking given by the petitioner.

4. Learned counsel for the respondent submitted that the respondent has no objection to the petitioner vacating and handing over the premises to the respondent on or before 30.11.2024, however, he has objection to the averments made in paragraph '2' of the Affidavit of Undertaking with regard to the amount of Rs.25 lakhs alleged to have been paid to one Parasurama Rao, proprietor of M/s.Bombay Tailors, with whom the respondent has no connection at all. He also submitted that the respondent is not privy to such payments alleged to have been made by the petitioner to the said Parasurama Rao. He further submitted that his objection may also be recorded.

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



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6. The Affidavit of Undertaking dated 22.08.2024 filed by the petitioner before this Court is extracted hereunder :-

"AFFIDAVIT OF KHADER ISMAIL

I, Khader Ismail, son of Nalla Mohammad, Muslim, aged about 69 years, Partner, M/s. Star World, having office at No. 101/5, Pondi Bazaar Chennai - 600017, do hereby solemnly affirm and sincerely state as follows:

1. I have filed the present Civil Revision Petition seeking to set aside the order dated 27-02-2024 passed by the Hon'ble XV Additional City Civil Court, Chennai in RLTA.No.153 of 2022. On 21-08-2024, on my instructions, my counsel undertook to vacate and handover vacant possession of the scheduled premises within 3 months i.e., by 30-11-2024 and pay the arrears of rent at the rate of Rs.14,490/-, amounting to a sum of Rs.2,17,350/-.

2. I state that this affidavit is being filed without prejudice to raise all contentions, available in law, including but not limited to the issue regarding non joinder, in the independent revision petition filed by me against the judgment in R.C.A. Nos. 783 & 785/2018, dated 28-10-2022, against the judgment in R.C.O.P. 1527/2016 dated 07-09-2018, fixing a fair rent of 75,443/- per month. It is also placed on record that I had paid a sum of Rs.25,00,000/- to Mr. Parasurama Rao, proprietor of M/s Bombay



Tailors, the erstwhile tenant in the property in the year 01-03-2001.

The Respondent has failed to take into consideration this amount as well, while making a demand for arrears of rent. The Respondent has also failed to consider and account for the maintenance and developments of the property, at my expense. I reserve the right to raise all these issues in the relevant proceedings.

3. I state that I confirm the undertaking made through my counsel to

A) Vacate and handover vacant possession of the scheduled property on or before 30-11-2024

B) To pay a sum of Rs.2,17,350/- on or before 15-09-2024.

C) To pay a sum of Rs.14,490/- per month on 05-09-2024, 05-10-2024 and 05-11-2024 subject to the use and occupation of the premises.

4. It is therefore prayed that this Hon'ble Court be pleased to dispose of this petition, in terms of the undertaking made and pass such further or other orders and thereby render justice."

7. Taking into consideration the Affidavit of Undertaking filed by the 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



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petitioner to vacate the premises and hand over the vacant possession of the premises to the respondent on or before 30.11.2024 and make the payments as agreed upon by him in his Affidavit. The respondent is at liberty to proceed further in respect of recovery of amounts.

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

05.09.2024

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

1. The XV Additional City Civil Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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