



C.R.P.Nos.3269 and 3272 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

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

C.R.P.Nos.3269 and 3272 of 2024
and CMP Nos.17511 and 17513 of 2024

G.Mani

.... Petitioner in both the revisions

VS

G.Ravichandran

.... Respondent in both the revisions

Prayer in CRP No.3269 of 2024:

Civil Revision Petition filed under 25 of Tamil Nadu Bulding (Lease and Rent Control) Act, 1962 against the decree and decreetal order passed in RCA No.555 of 2018 dated 22.02.2024 on the file of VIII Judge, Small Causes Court (Rent Control Appellate Authority), Chennai, dismissing the appeal in turn confirming the decree and decreetal order passed in RCOP No.1553 of 2014 dated 08.06.2018 on the file of XIV Small Causes Court, Chennai (Rent Controller).



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Prayer in CRP No.3272 of 2024:

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Civil Revision Petition filed under 25 of Tamil Nadu Building (Lease and Rent Control) Act, 1962 against the decree and decreetal order passed in RCA No.556 of 2018 dated 22.02.2024 on the file of VIII Judge, Small Causes Court (Rent Control Appellate Authority), Chennai, dismissing the appeal in turn confirming the decree and decreetal order passed in RCOP No.1554 of 2014 dated 08.06.2018 on the file of XIV Small Causes Court, Chennai (Rent Controller).

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.T.Sundarrajan

COMMON ORDER

These Civil Revision Petitions have been filed against the decree and decreetal order passed in RCA No.555 of 2018 dated 22.02.2024 on the file of VIII Judge, Small Causes Court (Rent Control Appellate Authority), Chennai, (in respect of CRP No.3269 of 2024), dismissing the appeal in turn confirming the decree and decreetal order passed in RCOP No.1553 of 2014 dated 08.06.2018 on the file of XIV Small Causes Court, Chennai (Rent Controller) and RCA No.556 of 2018 dated 22.02.2024 on the file of VIII Judge, Small Causes Court (Rent Control Appellate Authority), Chennai, (in respect of CRP No.3272 of 2024), dismissing the appeal in turn confirming the decree and decreetal order



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passed in RCOP No.1554 of 2014 dated 08.06.2018 on the file of XIV Small Causes Court, Chennai (Rent Controller).

2. Learned counsel for the petitioner submits that the petitioner has agreed to vacate the premises within a period of one year and he has also agreed to pay the arrears of rent, totalling to Rs.5,90,000/-(Rupees Five Lakhs Ninety thousand only) in two instalments. He has also agreed to continue to pay the fair rent at Rs.10,000/-(Rupees Ten thousand only) from August 2024 till possession is handed over i.e., on or before 31.08.2025. Learned counsel would further submit that the petitioner has filed affidavits of undertaking to that effect and would pray that both the civil revision petitions may be disposed of in terms of the affidavit of undertaking. The affidavits of undertaking dated 27.08.2024 read as follows:

CRP No.3269 of 2024

UNDERTAKING AFFIDAVIT FILED BY G.MANI

I, G.Mani, S/o. Late.Ganesan, Proprietor of M/s Mani Rice Mandy, Hindu, aged about 53 years, having business at No.7/2, General Swamy Street, Triplicane, Chennai-600 005, do hereby solemnly affirm and sincerely state as follows:-



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1. I am the Revision Petitioner in the main Civil Revision Petition.

2. I am the tenant for non-residential purpose doing Rice Mandy business in one Western side portion in No.7/1, General Swamy Street, Triplicane, Chennai-600 005 and my land lord is the respondent herein who owns that building.

3. I humbly submit that the landlord filed petitions for fixation of fair rent and for eviction against me. Both the cases were ordered in favour of the landlord in R.C.O.P Nos.1553/2014 and 1554/2014, by learned XIV Judge Small Causes Court, at Chennai. Against that Order, I preferred an appeal in R.C.A.Nos.555/2018 and 556/2018, in which learned VIII Judge Small Causes Court, at Chennai dismissed the appeals and confirmed the Lower Court's Order. Against the said Order now I preferred these CRPs' before this Hon'ble Court.

4. I humbly submit that I undertake to and will vacate the tenanted portion within 12 months time. I will vacate and handover the possession of the tenancy premises to the landlord. Further, I undertake to pay the presently agreed fair rent at Rs.10,000/- p.m from



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the date of filing of the petition. I undertake to pay the difference of Rs.5,000/-p.m from 09.10.2014 upto this date i.e., for 118 months. The said arrears in differential rental value works to Rs.5,90,000/-(Rupees Five lakhs ninety thousand only) till July 2024 and I undertake to pay 50% of the amount i.e., Rs.2,95,000/-(Rupees Two Lakhs Ninety Five thousand only) within four weeks from today and further pay another 50% of the amount of Rs.2,95,000/-(Rupees Two Lakhs Ninety five thousand only) within another four weeks after the end of the 1st set of four weeks as said above. I further undertake to continue to pay this agreed fair rent of Rs.10,000/-per month from August 2024 till I hand over the possession to the landlord.

It is therefore prayed that this Hon'ble Court may be pleased to accept this undertaking affidavit and pass necessary orders in the above C.R.P.No.3269 of 2024 and thus render justice.”

CRP No.3272 of 2024

UNDERTAKING AFFIDAVIT FILED BY G.MANI

I, G.Mani, S/o. Late.Ganesan, Proprietor of M/s Mani Rice Mandy, Hindu, aged about 53 years, having business at No.7/2, General Swamy Street, Triplicane, Chennai-600 005, do hereby solemnly affirm and sincerely state as



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follows:-

1. I am the Revision Petitioner in the main Civil Revision Petition.

2. I am the tenant for non-residential purpose doing Rice Mandy business in one Western side portion in No.7/1, General Swamy Street, Triplicane, Chennai-600 005 and my land lord is the respondent herein who owns that building.

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fair rent at Rs.10,000/- p.m from the date of filing of the petition. I undertake to pay the difference of Rs.5,000/- p.m from 09.10.2014 upto this date i.e., for 118 months. The said arrears in differential rental value works to Rs.5,90,000/-(Rupees Five lakhs ninety thousand only) till July 2024 and I undertake to pay 50% of the amount i.e., Rs.2,95,000/-(Rupees Two Lakhs Ninety Five thousand only) within four weeks from today and further pay another 50% of the amount of Rs.2,95,000/-(Rupees Two Lakhs Ninety five thousand only) within another four weeks after the end of the 1st set of four weeks as said above. I further undertake to continue to pay this agreed fair rent of Rs.10,000/-per month from August 2024 till I hand over the possession to the landlord.

It is therefore prayed that this Hon'ble Court may be pleased to accept this undertaking affidavit and pass necessary orders in the above C.R.P.No.3272 of 2024 and thus render justice.”

3. Learned counsel for the respondent has also agreed for the above said affidavits of undertaking given by the petitioner/tenant.

4. Both the Civil Revision Petitions are disposed of in terms of the



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affidavits of undertaking. The above affidavits of undertaking dated 27.08.2024

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A.D.JAGADISH CHANDIRA,J.,

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shall form part of the Court records. No costs. Consequently, connected miscellaneous petitions are closed.

28.08.2024

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Index:no

website:yes

To

1. VIII Small Causes Court, Chennai
2. XIV Small Causes Court, Chenna

2024

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