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C.R.P.No.3530 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

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

C.R.P.No.3530 of 2024
and CMP No.19103 of 2024

1. K.Rameshkumar
2. R,Premasagar

.... Petitioners

VS

M.S.Sundaralingam

.... Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the decretal order and fair order dated 14.03.2024 passed in R.C.A.No.375 of 2017 passed by VIII Judge, Court of Small Causes, Chennai (Appellate Authority) by partly confirming the order passed by XIV Judge, Court of Small Causes, Chennai in RCOP No.1094 of 2013 dated 26.04.2017.

For Petitioners : Mr.D.Madhusudanan

For Respondent : Mr.C.Umashankar



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ORDER

The Civil Revision Petition has been filed against the decretal order and fair order dated 14.03.2024 passed in R.C.A.No.375 of 2017 passed by VIII Judge, Court of Small Causes, Chennai (Appellate Authority) by partly confirming the order passed by XIV Judge, Court of Small Causes, Chennai in RCOP No.1094 of 2013 dated 26.04.2017.

2. When the matter is taken up today, the second petitioner and the respondent are present before this Court and the learned counsel for the petitioners would submit that the petitioners have decided to vacate and hand over the vacant possession of the premises to the respondent on or before 31.12.2025. Learned counsel would further submit that the petitioners and the respondent have filed a Joint Compromise Memo before this Court and prays that the Civil Revision Petition may be disposed of in terms of the Joint Compromise Memo. The Joint Compromise Memo filed by the revision petitioners/tenants and the respondent/landlord reads as follows:-



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***“JOINT COMPROMISE MEMO FILED BY CIVIL REVISION
PETITIONERS/TENANTS AND RESPONDENTS/LANDLORD***

The Civil Revision Petitioners/Tenants and Respondent/Land Lord do hereby jointly and humbly submit as follows:

1) The Landlord / Respondent has filed against the Tenants the above R.C.O.P.No.1094 of 2013 under Sec.10(3)(iii)(a)(iii) and 14(1)(B) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 on the ground that the Landlord / Respondent herein requires the building in Tenants occupation for his own use and occupation and for demolition and reconstruction of the petition building and reconstruction of a new building on the site.

2) The Trial Court has allowed the Petition on both the Grounds and the Lower Appellate Court in RCA 375 of 2017 has dismissed the Ground of demolition and reconstruction and allowed eviction on the Ground of own use and occupation against which the above C.R.P.No.3530 of 2024 was preferred by the Tenants.

3) Pending above Civil Revision Petition, both counsels and both the Parties had mutual consultation, discussion and deliberation among themselves to address the issue and solve it amicably.

4) The Land Lord / Respondent has received the 10 months arrears of



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rent from December 2023 to September 2024 under cheque No.499465 dated 01.10.2024, Drawn on Indian Bank Ashok Nagar Branch in favour of Sundaralingam,

5) The First Civil Revision Petitioner / Tenant is unwell and immobilize. Hence, he would sign this Joint memo of compromise but he is not in a position to appear before the Honourable Court in person. The second Civil Revision Petitioner/Tenant would appear before the Honourable Court on behalf of both the Civil Revision Petitioners/Tenants and record the Joint Memo of Compromise on his Behalf also.

6) Civil Revision Petitioners / Tenant most respectfully submit that they undertake to pay the rent periodically and the Land Lord / Respondent has also agreed to receive the Rent hereafter without fail / refusing.

7) The Civil Revision Petitioners / Tenants has agreed to enhance the Agreed rent of Rs.10,100/- by 5% and they would from now onwards pay a sum of Rs.10,605/- from October 2024 to 31.12.2025 to the Land Lord.

8) The Civil Revision Petitioners / Tenants agrees and undertakes that they would vacate the Demised premises on or before 31.12.2025, subject to the refund of the advance amount of Rs.3,00,000/- (Rupees Three Lakhs only) payable by the Land Lord / Respondent to the



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Tenants / Petitioners on or Before 31.12.2025 after deducting any future Arrears of rent from this day or any damages to the Schedule mentioned Property and this may kindly be recorded in the above C.R.P.No.3530 of 2024.

9) In the circumstance it is just and necessary that this Honourable Court may be pleased to record consented terms by the both the parties in the order and pass such order or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice”

3. In view of the above, the petitioners are directed to vacate and hand over the vacant possession on or before 31.12.2025. The Joint Memo of Compromise filed by the petitioners and the respondent shall form part of the Court records.

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

17.10.2024

sr
Index:yes/no
website:yes/no



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A.D.JAGADISH CHANDIRA,J.,

sr

1. The VIII Judge, Court of Small Causes,
2. The XIV Judge, Court of Small Causes, Chennai.

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