



C.R.P.No.3225 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3225 of 2024

and

C.M.P.No.17241 of 2024

Mahendra Kumar	...	Petitioner
	Vs.	
N.Baba Prasad	...	Respondent

PRAYER: The civil revision petition has been filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960 against the judgment and decree dated 02.03.2024 made in R.C.A.No.24 of 2022 on the file of the Hon'ble VII Small Causes Court, Chennai confirming the judgment and decree dated 17.12.2021 passed in R.C.O.P.No.819 of 2013 on the file of the XII Small Causes Court at Chennai.

For Petitioner	: Mr.R.Lakshmi Narasimhan
For Respondent	: M/s.P.B.Ramanujam Associates for Caveator



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ORDER

This Civil Revision Petition has been filed against the judgment and decree dated 02.03.2024 made in R.C.A.No.24 of 2022 on the file of the Hon'ble VII Small Causes Court, Chennai confirming the judgment and decree dated 17.12.2021 passed in R.C.O.P.No.819 of 2013 on the file of the XII Small Causes Court at Chennai.

2. The revision petitioner is the tenant and the respondent is the landlord. The petitioner is doing business in the ground floor (New No.20, Old No.28) of the respondent's premises located at Kasi Chetty Street, Sowcarpet, Chennai – 600 079. The XII Small Causes Court, Chennai, by an order dated 17.12.2021 in RCOP.No.819 of 2013 had ordered eviction on the ground of demolition and reconstruction and directed the petitioner to vacate the petition premises and hand over vacant possession to the respondent/landlord within two months. Aggrieved over the same, the petitioner/tenant had filed an appeal in RCA.No.24 of 2022 before the learned VII Judge (FAC), Small Causes Court, Chennai and the learned



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Appellate Judge, by an order dated 02.03.2024, has confirmed the order passed by the learned trial Judge and dismissed the appeal. Therefore, the petitioner has filed the present revision petition.

3. Learned counsel for the petitioner submitted that the petitioner has decided to vacate and hand over the premises to the respondent on or before 30.04.2025 and he has also filed an Affidavit of Undertaking to that effect. He also prayed that this civil revision petition may be disposed based on the undertaking given by the petitioner.

4. Learned counsel for the respondent submitted that the petitioner is a good tenant and taking into consideration his conduct, the respondent has also agreed to hand over a portion to the petitioner upon reconstruction of the premises. He further submitted that the respondent has also agreed to the undertaking given by the petitioner and thereby, the revision petition may be disposed of in terms of the undertaking given by the petitioner.



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

6.The Affidavit of Undertaking dated 24.10.2024 filed by the petitioner before this Court is extracted hereunder :-

“I, Mahendra Kumar, S/o.Kapurchand, Hindu, aged about 52 years, carrying on the Business under the name and style of M/s.Sha Kapur Chand & Co at New No.20, Old No.28, Kasi Chetty Street, Sowcarpet, Chennai – 600 079, do hereby solemnly affirm and sincerely states as follows:

1.I am the petitioner in the above C.R.P. And as such I am well aware of the facts and circumstances of the case.

2.I submit that the above C.R.P.is filed against the judgment and decree dated 02.03.2024 made in R.C.A.No.24 of 2022, on the file of Hon'ble VII Small Causes Court, Chennai in so far as confirming the Judgment and Decree dated 17.12.2021 made in R.C.O.P.No.819 of 2013, passed by the Hon'ble XII Small Causes Court, Chennai. I have filed a detailed Memorandum of Grounds of Civil Revision Petition



and the same may please be read as part and parcel of this Affidavit.

3.I submit that the Respondent/Landlord has agreed to handover a portion of the property on the main road to the petitioner after demolition and reconstruction and the same may be recorded by this Hon'ble Court.

4.I submit that to enable the Respondent/Landlord for demolition and reconstruction, I shall vacate and handover the property on or before 30.04.2025.

The petitioner therefore most humbly pray that this Hon'ble Court may be pleased to take this Affidavit into file and pass such further suitable orders and thus render justice.”

7.Taking into consideration the Affidavit of Undertaking dated 24.10.2024 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 petitioner to vacate the premises and



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hand over the vacant possession of the premises to the respondent on or before 30.04.2025.

8.The Affidavit of Undertaking dated 24.10.2024 filed by the petitioner shall form part of the Court records. Consequently, the connected miscellaneous petition is closed. No costs.

Index : Yes/No
Internet : Yes/No
sms

24.10.2024

To

- 1.The VII Small Causes Court, Chennai.
- 2.The XII Small Causes Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.,

sms

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