



C.R.P.No.3529 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3529 of 2024
and C.M.P.No.19102 of 2024

1. N.Khaja Moideen
2. Fayazuddin

... Petitioners

Vs

N.Babaprasad

... Respondent

PRAYER : Civil Revision Petition filed under Section 25(1) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, pleased to revise the fair and decreetal order dated 02.03.2024 passed in RCA.No.63 of 2023 on the file of the VII Judge, Rent Control Appellate Authority, Court of Small Causes, Chennai, confirming the fair and decreetal order dated 20.02.2023 passed by the learned X Judge, Rent Controller, Court of Small Causes, Chennai.

For Petitioners : Mr.Mohammed Qamar Ahmed

For Respondent : Mr.V.Sivakumar
for M/s.P.B.Ramanujam Associates



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ORDER

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This Civil Revision Petition has been filed against the order dated 02.03.2024 passed by the learned VII Judge, Rent Control Appellate Authority, Small Causes Court, Chennai, in RCA.No.63 of 2023, confirming the order passed by the X Small Causes Court, Chennai in RCOP.No.815 of 2023 dated 20.02.2023.

2. The revision petitioners are the tenants and the respondent is a landlord. The petitioners are doing partnership 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 X Small Causes Court, Chennai, by an order dated 20.02.2023 in RCOP.No.815 of 2023 had ordered the eviction under the ground of demolition and reconstruction and directed the petitioners to vacate the petition premises and hand over the vacant possession to the respondent/landlord within two months. Aggrieved over the same, the petitioners/tenants had filed an appeal in RCA.No.63 of 2023 before the learned VII Judge, Rent Control Appellate Authority, Small Causes Court, Chennai and the learned 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 petitioners have filed the present revision



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petition.

3. Learned counsel for the petitioners submitted that the petitioners have decided to vacate and hand over the premises to the respondent on or before 31.03.2025 and they have 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 petitioners.

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

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

6. The Affidavit of Undertaking dated 25.09.2024 filed by the petitioners



before this Court is extracted hereunder :-

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" I, T.Khaja Moideen, S/o Tajudin, aged about 42 years, carrying on the business under the name and style of M/s.Kings Trading Company at New No.20, Old Door No.28, Kasi Chetty Street, Chennai – 600 001, do hereby solemnly affirm and sincerely states as follows :

1. I am the First Petitioner in the above C.R.P. and the Second Petitioner is my brother and I am searing to this Affidavit on behalf of the Second Petitioner as well.

2. I submit that the above C.R.P. is filed against the Order dated 02.03.2024 made in R.C.A. No.63 of 2023 on the file of VII Small Causes Court, Chennai in so far as confirming the Order made in R.C.O.P.No.815/2013 passed by the X Judge, Court of Small Causes at Chennai. We 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/Land Lord has agreed to handover a portion of the property to the Petitioner after demolition and reconstruction and the same has been recorded by this Hon'ble Court in the Order dated 18.09.2024.

4. I submit that to enable the Respondent/Landlord for demolition and reconstruction, we shall vacate and handover the property on or before 31.03.2025.

The Petitioners 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 25.09.2024 filed by the petitioners and recording the submissions made by the learned counsels on both sides, this Civil Revision Petition stands disposed of with a



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direction to the petitioners to vacate the premises and hand over the vacant possession of the premises to the respondent on or before **31.03.2025**.

8. The Affidavit of Undertaking dated 25.09.2024 filed by the petitioners shall form part of the Court records. Consequently, the connected miscellaneous petition is also closed. No costs.

25.09.2024

Index : Yes / No

Neutral Citation : Yes / No
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To

1. The VII Judge, Rent Control Appellate Authority,
Small Causes Court, Chennai.
2. The X Small Causes Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.
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**C.R.P.No.3529 of 2024
and C.M.P.No.19102 of 2024**

25.09.2024