



C.R.P.No.3566 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3566 of 2024
and C.M.P.No.19317 of 2024

D.Muthukumar

... Petitioner

Vs

1.Mrs.J.Bhanumathy

2.Mrs.Jayashreebhaskar

3.C.Babu

... Respondents

PRAYER : Civil Revision Petition filed under Section 115 of Civil Procedure Code pleaded to set aside the order dated 13.06.2024 passed by the XVth Court of Small Causes, Chennai in E.A.No.1of 2024 in E.P.No.48 of 2024 in R.C.O.P. No.921 of 2018.

For Petitioner : Mr.V.Saravana Rengan

For Respondents : Mr.D.Nanthagopal



C.R.P.No.3566 of 2024

ORDER

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This Civil Revision Petition has been filed to set aside the order dated 13.06.2024 passed by the XVth Court of Small Causes, Chennai in E.A.No.1 of 2024 in E.P.No.48 of 2024 in R.C.O.P. No.921 of 2018.

2. The learned counsel for the petitioner submitted that the petitioner has intended to vacate and handover the possession within a month i.e. on or before 20.10.2024 to the respondents 1 and 2 and to that effect, the petitioner has filed an affidavit of undertaking dated 10.09.2024 and hence, the present revision petition may be disposed of in terms of the said affidavit of undertaking. The learned counsel further submitted that the petitioner undertakes to abide by the terms of undertaking affidavit and to handover the key to the learned counsel for the respondents 1 and 2.

3. The learned counsel appearing for the respondents has agreed for the same.

4. Heard both sides and perused the materials available on record.

5. The Affidavit of Undertaking dated 10.09.2024 filed by the petitioner before this Court is extracted hereunder :-



C.R.P.No.3566 of 2024

"I D.Muthukumar S/o Durairaj aged 45 years residing at flat No.F2, First floor TNR VILLA, New No.95 Old No.33, Vanniyar Street, Choolaimedu, Chennai-600094 do hereby solemnly affirm and sincerely state as follows:

I submit that i am the revision petitioner and i such i am well acquainted with the facts and circumstances of this case.

I submit that I entered into the petition premises on 20/01/2023 as a lessee by paying a lease amount of Rs.10,00,000/- to the 3rd Respondent by cash on three occasions with knowledge and consent of the 1st Respondent. In the meantime, i came to know the Respondents filed E.P.NO:48/2024 in RCOP 921/2018 for evicting the 3rd Respondent and subsequently eviction warrant issued against the 3rd respondent w.r.t petition premises where I have been in occupation. Aggrieved by the above said execution I filed E.A.NO.1/2024 before the execution court. The said petition was dismissed on 13/06/2024 and aggrieved by the said order i preferred this CRP. In the meantime I decided to recover my above said lease amount by filing money suit against 3rd Respondent herein. Accordingly instructed my counsel to submit my intension before this Hon'ble Court and also my



C.R.P.No.3566 of 2024

WEB COPY

intension to vacate the petition premises within a month time.

I submit that the above said matter came before this Hon'ble Court on 04/09/2024 and my request was placed before this Hon'ble Court and this Hon'ble Court graciously allowed by submission and directed me to file an affidavit to that effect. Hence this affidavit. I undertake to vacate the petition premises on or before one month from the date of order of this Hon'ble Court in this regards.

Therefore, it is most humbly prayed that this Hon'ble Court may be pleased to record my affidavit of undertaking and pass such further or other orders as this Hon'ble Court may deem fit with fact and circumstance of this case and thus render justice.

6. Taking into consideration the Affidavit of Undertaking dated 10.09.2024 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 that the petitioner to vacate and handover the possession and key to the learned counsel for the respondents 1 and 2 on or before 20.10.2024.



C.R.P.No.3566 of 2024

7. The Affidavit of Undertaking dated 10.09.2024, filed by the petitioner shall form part of the Court records. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

11.09.2024

Index : Yes / No

Neutral Citation : Yes / No

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To

The XVth Court of Small Causes,

Chennai



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C.R.P.No.3566 of 2024

A.D.JAGADISH CHANDIRA, J.

ksa-2

**C.R.P.No.3566 of 2024
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11.09.2024