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C.R.P.No.3922 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

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

C.R.P.No.3922 of 2024
and CMP No.21457 of 2024

1. S.Nithyanandhan
2. S.Sridhar

.... Petitioners

vs

Parakath Syed Abuthahir @ Barakkath

.... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India as against the judgment and decree dated 23.07.2024 passed by the learned III Additional Judge, City Civil Court, Chennai (Rent Appellate Authority) in RLTA No.78 of 2023, confirming the order of eviction dated 06.01.2023 passed by the learned XIV Judge, Court of Small Causes, Chennai in RLTOP No.671 of 2021.

For Petitioners : Mr.K.P.Ashok

For Respondent : Mr.R.Sivakumar

ORDER

The Civil Revision Petition has been filed against the judgment and decree



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dated 23.07.2024 passed by the learned III Additional Judge, City Civil Court, Chennai (Rent Appellate Authority) in RLTA No.78 of 2023, confirming the order of eviction dated 06.01.2023 passed by the learned XIV Judge, Court of Small Causes, Chennai in RLTOP No.671 of 2021.

2. When the matter is taken up today, the first petitioner is 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 namely, the ground floor portion measuring an extent of 940 sq.ft or thereabouts in Plot No.17, Old No.13A, New No.16, Murthy Lane, Varadarajapuram, Pudupet, Chennai-2 to the respondent on or before 30.04.2025. Learned counsel would further submit that the first petitioner S.Nithyanandhan has filed an affidavit before this Court, undertaking to vacate and hand over vacant possession on or before 30.04.2025 and prays that the Civil Revision Petition may be disposed of in terms of the affidavit of the 1st petitioner. The affidavit of S.Nithyanandhan reads as follows:-

“AFFIDAVIT OF S. NITHYANANDHAN

I, S.NITHYANANDHAN, Son of Mr.G.Sankaran, Hindu, aged about



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50 years, carrying on business at No.16, Murthy Lane, Varadarajapuram, Pudupet, Chennai-2, do hereby solemnly and sincerely affirm and state as follows:-

1. I am the 1st petitioner herein in the above CRP. The 2nd petitioner is my own brother and I am filling this affidavit on his behalf also.

2. I submit that the respondent herein filed the main RLTOP against us for eviction u/s 21(2)(a) and the same was allowed and hence we filed the appeal and the same was dismissed. Hence we filed the above CRP against the said order.

3. I further submit that we undertake to vacate and hand over vacant possession of the petition premises namely the ground floor portion measuring an extent of 940 sq.ft or thereabouts in Plot No.17, Old No.13A, New No.16, Murthy Lane, Varadarajapuram, Pudupet, Chennai-2 to othe respondent, on or before 30.04.2025.

3. I further submit that as regards the refund of advance, we may be granted liberty to file the appropriate proceedings for recovery of the money before the civil court.

4. I therefore pray that the above undertaking may be recorded and time may be granted till 30.4.2025 for us to vacate and handover vacant possession and thus render justice.”



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3. In view of the above submission, the petitioners are directed to vacate and hand over the vacant possession on or before 30.04.2025. The affidavit of

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sr

the 1st petitioner/S.Nithyanandhan 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.

03.10.2024

sr

Index:yes/no

website:yes/no

To

1. The III Additional Judge, (Rent Appellate Authority),
City Civil Court, Chennai.
2. The XIV Judge, Court of Small Causes, Chennai



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