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C.R.P.No.3586 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

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

C.R.P.No.3586 of 2024
and CMP No.19452 of 2024

M.S.Krishna Prasad

.... Petitioner

vs

1.R.Rajalakshmi
2.M.Ravindran

.... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India as against the order dated 28.06.2024 in RLTA No.36 of 2023 passed by the IV Additional City Civil Judge, Allikulam, Chennai, confirming the order of eviction made in RLTOP No.683 of 2021 dated 20.01.2023 passed by the learned XI Judge, Court of Small Causes, Chennai.

For Petitioner : Mr.P.Sidharthan

For Respondents : Mr.K.P.Ashok

ORDER

The Civil Revision Petition has been filed against the order dated



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28.06.2024 in RLTA No.36 of 2023 passed by the IV Additional City Civil Judge, Allikulam, Chennai, confirming the order of eviction made in RLTOP No.683 of 2021 dated 20.01.2023 passed by the learned XI Judge, Court of Small Causes, Chennai.

2. When the matter is taken up today, the learned counsel for the petitioner would submit that the petitioner has decided to vacate and hand over the vacant possession of the property on or before 30.06.2025. Learned counsel would further submit that the petitioner M.S.Krishna Prasad has filed an affidavit before this Court, undertaking to vacate and hand over vacant possession on or before 30.06.2025. Learned counsel further submits that as far as rental arrears are concerned, a suit in O.S.No.239 of 2022 has been filed by the respondents/landlords and the same is pending and *de hors* pendency of the suit, the petitioner has undertaken to vacate and hand over the vacant possession on or before 30.06.2025. Learned counsel for the petitioner prays that the Civil Revision Petition may be disposed of in terms of the affidavit of the petitioner.

3. Mr.K.P.Ashok, learned counsel appearing for the respondents/landlords



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submits that the petitioner is in arrears of rent to the tune of Rs.1,50,00,000/- (Rupees One Crore Fifty Lakhs only) and that a suit in O.S.No.239 of 2022 is pending on the file of this Court. However, learned counsel for the respondents/landlords submits that they are ready to grant time to the petitioner to vacate and hand over the possession till 30.06.2025 and that the respondents are at liberty to proceed with the suit for recovery of rental arrears. Learned counsel further submits that the respondents have no objection in disposing of the civil revision petition based on the affidavit of the petitioner.

4. The affidavit of the petitioner reads as follows:-

“ AFFIDAVIT OF M.S.KRISHNA PRASAD

I, M.S.Krishna Prasad, Son of M.Sripathy Bhatt, Hindu, aged about 52 years, residing at No.26/3, Panchayappa Hostel Road, Chetpet, Chennai-31, solemnly affirm and sincerely states as follows:-

- 1. I am the petitioner herein as such I am well acquainted with facts and circumstances of the case.*
- 2. I have filed the above Civil Revision Petition against order dated 28.06.2024 in R.L.T.A.No.36 of 2023 on the file of the IV Additional City Civil Judge, at Chennai confirming the order of the Hon'ble XI Small Causes Court Judge, Chennai in RLTOP No.683 of 2021 dated*



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3. *I submit that when a matter came up for final hearing on 01/10/2024, it was proposed to give some time for vacating as the present rental agreement expires on June 2025. I submit that since the petitioner is running a Lodging house, which is running business, the petitioner cannot shift his business immediately to any other location in short time. After much negotiation, it was agreed to vacate and hand over the schedule property in occupation on or before 30.06.2025 and accordingly I was directed to file an affidavit of undertaking to that effect.*

4. *I submit that the respondent have filed the suit for recovery of amount on an assumption that the petitioner is in dues, the petitioner had filed his written statement that there is no arrears of rents kept pending by the petitioner and also raised many other issues that the respondent has not acted as per the rental agreement entered and violated the same. Since this issue can be decided only after due trial of the civil suit in C.S.No.239 of 2022, this Hon'ble Court may direct both parties to settle their dispute regarding the rental arrears and other issues based on accounts in the C.S.No.239 of 2022.*

5. *I submit that in view of the same I will vacate and hand over vacant possession of the schedule property on or before 30.01.2025.*

6. *I submit that respondents during the above said period should not obstruct the petitioner in running his business and or do any harm to the petitioner business in any manner by himself or through any other person claiming under him.*



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5. In view of the above, the petitioner is directed to vacate and hand over the vacant possession on or before 30.06.2025. The affidavit of the petitioner/M.S.Krishna Prasad shall form part of the Court records.

6. It is made clear that this Court has not made any observation with regard to the rental arrears and the parties are at liberty to contest the same in C.S.No.239 of 2022.

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

14.10.2024

sr

Index:yes/no

website:yes/no

To

1. The IV Additional Judge, City Civil Court, Chennai.
2. The XI Judge, Court of Small Causes, Chennai.

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A.D.JAGADISH CHANDIRA,J.,

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