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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.10.2024.

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

C.R.P.No.3748 of 2024  
and  
C.M.P.No.20384 of 2024

M.Shenbagaraj

Petitioner

vs.

K.Rafi Ahmed

Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order dated 24.6.2024 passed in R.C.A.No.6 of 2023 on the file of the Subordinate Judge, Sub Court, Tambaram, Chennai confirming the order and decree dated 14.6.2023 passed in R.C.O.P.No.23 of 2016 by the Rent Controller, District Munsif Court, Tambaram, Chennai.

For Petitioner : Mr.K.S.Madhavan

For Respondents : Mr.Saravana Sowmiyan

### ORDER

Tenant is the revision petitioner.

2. Aggrieved against the eviction ordered by the Rent Controller on the ground of owner's additional occupation and the confirmation thereof by the Appellate Authority, the present civil revision petition has been filed.



3. When the matter was taken up for hearing in the morning session, learned counsel for the petitioner had expressed that the revision petitioner/tenant intends to vacate the premises and hand over vacant possession to the respondent/landlord, however, craved for refund of advance amount of Rs.5,00,000/- paid by him and for extending some leniency by way of granting nine months time viz, till 31.7.2025 to vacate the premises, showing his readiness to file an Affidavit of Undertaking in that regard.

4. Learned counsel for the respondent also expressed his willingness to accept the said proposal and assured to repay the advance amount on vacating the premises and handing over the key and payment of rent till such date.

5. In view of the inclination of the petitioner and the readiness of the respondent to accept the same, the matter was retained on board for taking up at 2.15 pm.

6. In the afternoon session, the learned counsel for the petitioner has come up with an Affidavit of Undertaking, relevant portion of which reads as under:-

*"1. I am the petitioner herein. I filed the above civil Revision petition against the fair rent decretal order passed in RCA No.6 of 2023 confirming the*



*order of eviction ordered in R.C.O.P.No.23 of 2016 on the ground of Additional accommodation.*

*2. I further submit that this Hon'ble Court was pleased to grant nine months time for vacating and handing over the let out shop portion. The respondent/landlord also agreed for the said period.*

*3. I hereby agreed and undertake to vacate and handover the vacant possession on or before 31st July 2025. My advance amount of Rs.5,00,000/- is retained by the respondent/landlord.*

*4. I swear this affidavit confirming the above undertaking."*

7. In view of the consensus arrived between the parties, the civil revision petition is disposed of in terms of the Affidavit of Undertaking filed by the petitioner and acceptance of the same by the respondent. The Affidavit of Undertaking shall form part of the records. No costs. The connected Miscellaneous Petition is closed.

21.10.2024.

Index: Yes/No.  
Internet: Yes/No.



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To

1. Subordinate Judge,  
Sub Court,  
Tambaram, Chennai.
2. District Munsif Court,  
Tambaram, Chennai.





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A.D.JAGADISH CHANDIRA, J.

Ssk.

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