



C.R.P.No.3852 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

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

C.R.P.No.3852 of 2024
and CMP No.21127 of 2024

Srinivasan

.... Petitioner

vs

Sheeju Purushothaman

.... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and decreetal order dated 12.08.2024 in RLTA No.223 of 2023 passed by the XVI Additional Judge, City Civil Court, Chennai confirming the fair and decreetal order passed in RLTOP No.338 of 2019 dated 07.08.2023 passed by the learned XI Judge, Court of Small Causes, Chennai.

For Petitioners : Mr.P.Sivamani

For Respondent : Mr.S.Kasirajan

ORDER

The Civil Revision Petition has been filed against the fair and decreetal order dated 12.08.2024 in RLTA No.223 of 2023 passed by the XVI Additional



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Judge, City Civil Court, Chennai confirming the fair and decretal order passed in
RLTOP No.338 of 2019 dated 07.08.2023 passed by the learned XI Judge,
Court of Small Causes, Chennai.

2. When the matter is taken up today, the petitioner is present before this Court and the learned counsel for the petitioner would submit that the petitioner has decided to vacate and hand over the vacant possession of the shop bearing Door No.220, Purasaiwalkam, Chennai-600 007, measuring 470 sq.ft to the respondent on or before 31.01.2025. Learned counsel would further submit that the petitioner D.Srinivasan has filed an affidavit before this Court, undertaking to vacate and hand over vacant possession on or before 31.01.2025 and prays that the Civil Revision Petition may be disposed of in terms of the affidavit of the petitioner.

3. Mr.S.Kasirajan, learned counsel appearing for the respondent, submits that he has no objection in disposing of the civil revision petition based on the affidavit of undertaking given by the petitioner. He further submits that the execution proceedings may be directed to be kept in abeyance till 31.01.2025.



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

“ AFFIDAVIT OF UNDERTAKING FILED BY PETITIONER

I, D.Srinivasan, Son of Duraisamy, Hindu, Aged about 68 years, Carrying on betelnut Shop at No.220, Purasaiwalkam High Road, Purasaiwalkam, Chennai-600 007 do hereby solemnly affirm and sincerely state as follows:-

- 1. I am the petitioner herein and as such I am well acquainted with the facts of the case.*
- 2. I submit that I have preferred this civil revision petition against the fair and decreetal order passed in RLTA No.223/2023 dated 12.08.2024 by the learned XVI Additional Judge, City Civil Court, Chennai, confirming the fair and decreetal order passed in RLTOP No.338/2019 by the learned XIth Judge, Court of Small Causes, Chennai dated 07.08.2023 and praying to set aside the same for the reasons set forth in the grounds of revision.*
- 3. I submit that in view of the circumstances and also on the advise I am willing to vacate the petition premises Namely a shop portion bearing door No.220 Purasaiwalkam High Road, Purasaiwalkam, Chennai-600 007 measuring 470 sq.ft and deliver vacant possession to the Respondent herein on 31.01.2025 without fail.*
- 4. I submit that as stated supra, I undertake to vacate and deliver vacant possession of the tenanted premises Namely a shop portion bearing door No.220 Purasaiwalkam High Road, Purasaiwalkam,*



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*Chennai-600 007 measuring 470 sq.ft to the respondent herein on
31.01.2025.*

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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 31.01.2025. The affidavit of the petitioner/D.Srinivasan shall form part of the Court records.

6. The execution proceedings are directed to be kept in abeyance till 31.01.2025.

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

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