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C.R.P. No.4023 of 2024 and C.M.P.No.22127 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. No.4023 of 2024
& C.M.P.No.22127 of 2024

K.T.Baskaran

... Petitioner

Vs.

S.E.Sivashanker

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 03.09.2024 in RCA No.1 of 2024 on the file of Subordinate Court, Alandur confirming the order passed by the Principal District Munsif, Alandur on 31.10.2023 in R.C.O.P.No.124 of 2016.

For petitioner : Mr.K.Selvakumar

For Respondent : Mr.R.C.Manoharan

ORDER

Challenging the order passed in R.C.A.No.1 of 2024 on 03.09.2024 by the Subordinate Judge, Alandur, confirming the order



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passed in R.C.O.P.124 of 2016 on 31.10.2023, in which, while dismissing the application filed for eviction on the grounds of wilful default and causing damage, the trial Court had directed the petitioner herein/tenant to vacate and handover the vacant possession of the petition mentioned property to the petitioner within two months from the date of the order on the ground of own use and occupation, the present civil revision petition has been filed.

2.Learned counsel for the petitioner would submit that the petitioner and his wife are senior citizens and the wife of the petitioner is bed ridden for the past six months and their grand children are studying in nearby schools, however, the petitioner has decided to vacate the premises on or before 30.04.2025 and he has also filed an affidavit of undertaking agreeing to vacate the premises. The learned counsel would further submit that Rs.2,70,000/- given as advance is retained by the respondent/landlord and he would pray that the respondent may be directed to return the same. He would also submit that the civil revision petition may be disposed of based on the affidavit of undertaking filed by the petitioner.



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3.The affidavit of undertaking filed by the petitioner reads thus:

“2. I respectfully state that I have filed the above CRP challenging the order of eviction passed in RCA No.1 of 2024 on 03.09.2024 confirming the order of eviction passed by the Rent Controller in RCOP No.124 of 2016 dated 31.10.2023. An order of interim stay of further proceedings was granted by this Hon'ble Court on 30.09.2024 till 21.10.2024.

3.I respectfully state that I am a senior citizen aged 69 years and my wife is bedridden for the past 6 months and she cannot move out of bed till date. She is under palliative care. In view of the present situation prevailing in my family, I may be given 6 months time to vacate the tenanted premises at Plot No.4/8, Kapaleeswarar Nagar, South IV Main Road, Neelankarai Village, formerly Tambaram Taluk, now Sholinganallur Taluk, Kancheepuram District.

4.I hereby undertake to vacate the abovesaid premises and hand over vacant possession of the same to the respondent within 6 months from today.



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It is therefore prayed that this Hon'ble Court may be pleased to accept this affidavit of undertaking and grant six months time to the petitioner and his family to vacate and surrender vacant possession on or before 30.04.2025 of the premises at Plot No.4/8, Kapaleeswarar Nagar, South IV Main Road, Neelankarai Village, formerly Tambaram Taluk, now Sholinganallur Taluk, Kancheepuram District to the respondent herein.”

4.The learned counsel for the respondent would submit that subject to payment of admitted rent by the petitioner/tenant till the date of vacating the premises, the respondent is ready to pay the advance amount.

5.Considering the affidavit of undertaking filed by the petitioner, the civil revision petition stands disposed of accordingly. The petitioner is directed to vacate the premises on or before 30.04.2025 as agreed. The respondent is directed to repay the advance amount to the petitioner/tenant subject to payment of admitted rent by the petitioner/tenant till the date of vacating the premises. No costs.



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Consequently, the connected miscellaneous petition stands closed.

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Index: Yes/No
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To

1. Principal District Munsif Court, Alandur.
2. Subordinate Court, Alndur.



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A.D.JAGADISH CHANDIRA, J.

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