



C.R.P. (MD) No. 1337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1337 of 2024

and

C.M.P. (MD) No.7739 of 2024

Irudhayarajini

... Petitioner/

Respondent

-VS-

1.Manimangalam

2.Barathamani

... Respondents/

Petitioners

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, 1908, to pass an order allowing the civil revision petition against the fair and decreetal order passed in E.P.No.2 of 2023 in R.L.T.O.P.No.2 of 2021 dated 22.02.2024 on the file of the District Munsif Court, Devakottai.

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.V.N.Arjun
for Mr.N.Vallinayagam



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ORDER

The Civil Revision Petition is filed challenging the order of delivery passed in E.P.No.2 of 2023 in R.L.T.O.P.No.2 of 2021. When the matter came up for hearing, Mr.M.Ponniah, learned Counsel for the petitioner would submit that even though the delivery order is challenged in the Civil Revision Petition, the petitioner wants only time to vacate the premises until December, 2024.

2. Opposing the said prayer, the learned Counsel for the respondents/landlord would submit that already three months time was granted in R.L.T.O.P.No.2 of 2021 itself and even thereafter, there has been further time which is granted and therefore, such a long time need not be granted and even the landlord is desperate to get possession of the property.

3. I have considered the rival submissions made on either side and this Court made a suggestion to the learned Counsel for the petitioner that whether the petitioner is willing to vacate on or before 30.10.2024 and also whether he will be willing to file an affidavit of undertaking before this Court. The learned Counsel for the petitioner answered in affirmative.



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4. In view thereof, considering the overall facts and circumstances of the case, this Civil Revision Petition is disposed of on the following terms:-

(i) The order of the learned District Munsif, Devakottai, is upheld;

(ii) However, time is granted to the petitioner to vacate the premises on or before 30.10.2024 on condition that the petitioner shall file an affidavit of undertaking before 04.07.2024 in the Registry of this Court. It is made clear that if the petitioner does not comply with the undertaking and vacate and hand over the premises, contempt proceedings will be initiated for the violation of the undertaking.

Consequently, the connected Miscellaneous Petition is closed. No costs.

03.07.2024

Index : Yes
NCC : No

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D.BHARATHA CHAKRAVARTHY, J.

PKN

To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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