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CRP No. 883 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRP No. 883 of 2025
and CMP No.5156 of 2025**

R.P.R.Raghavan (Died) ,

1. R.Ponraj Ashok

Petitioner

Vs

1. S.Narasimhan

Respondent

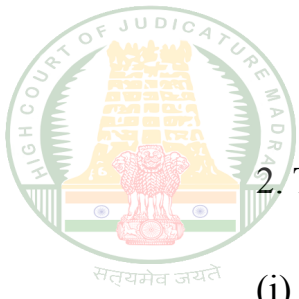
PRAYER Petition filed under Section 227 of the Constitution of India, seeking to setting aside the order and decretal Order dated 14.11.2024 in IA No. 1 of 2024 in RCA No. 12 of 2021 on the file of the Honourable Subordinate Judge, Alandur and allow this CRP and thus render justice.

For Petitioner(s): Mr. Kavin Bharathan

For Respondent(s): M/s.C.T.Murugappan,
Mr. Adarsh Ramanujan, and
Mr. R.Siva, for sole respondent

ORDER

This Civil Revision Petition has been filed seeking to set aside the order and decreetal order dated 14.11.2024 in I.A.No.1 of 2024 in R.C.A.No.12 of 2021 on the file of the learned Subordinate Judge, Alandur and allow this Civil Revision Petition.



2. The brief facts of the case are as follows:

(i) The petitioner is a tenant. The respondent had filed a petition under Section 10(2)(i) and 10(3)(a)(i) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 in R.C.O.P.No.9 of 2010 before the learned Principal District Munsif Court, Alandur, and by order dated 01.08.2021. Against which, the petitioner preferred R.C.A.No.15 of 2016 before the Sub-Court, Tambaram and later it was transferred and re-numbered as R.C.A.No.12 of 2021 on the file of the Subordinate Court at Alandur. The R.C.A.No.12 of 2021 was dismissed by confirming the order passed in RCOP. No.9 of 2010 dated 01.08.2016 of the Principal District Munsif, Alandur.

(ii) Meanwhile, the respondent/landlord filed the Execution Petition in E.P.No.98 of 2016, filed under Order XXI Rule 35 of Civil Procedure Code, 1908, before the Principal District Munsif, Alandur, which was ordered on 01.02.2025, directing the respondent to handover the vacant possession of the petitioner property to the decree holder by 05.03.2025.

(iii) In the meantime, the petitioner had filed an application in I.A.No.1 of 2024 in R.C.A.No.12 of 2021, under Order XLVII Rule 1 r/w Section 151 of



CPC., and Rule 11 of the TNBLR Rule, 1960 with a prayed to review the order

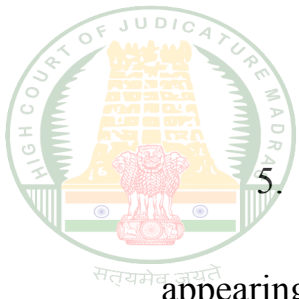
passed in R.C.A.No.12 of 2021 dated 21.11.2022. The learned Judge, by order

dated 14.11.2024 had dismissed the application. Against which, the present

Civil Revision Petition has been filed.

3. Learned counsel for the petitioner would submit that the petitioner is a tenant and without going into the merits of the case, he has filed an affidavit of undertaking dated 29.04.2025 before this Court undertaking to vacate and handover the premises on or before **31.07.2025** and he would submit that the civil revision may be disposed of as per the terms of the affidavit of undertaking.

4. Mr. C. T. Murugappan, learned counsel appearing for the respondent would submit that revision is not maintainable and it has been filed only for the purpose of protracting the execution proceedings. However, he would submit that taking into consideration of the affidavit of undertaking filed by the petitioner, the revision may be disposed of, directing the petitioner to vacate the premises and handover the premises on or before 31.07.2025.



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5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record, including the affidavit of undertaking dated 29.04.2025 filed by the petitioner.

The said affidavit of undertaking is extracted hereunder:-

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

C.R.P.No. 883 of 2025

1. R.P.R.Raghavan (died)
s/o. Ponnusamy,

2. R.Ponraj Ashok,
S/o.Late R.P.R.Raghavan,
Both are residing at
No.23, Vijay Avenue,
Nanganallur, Chennai-600006

...Petitioner/Petitioner/Appellant

Vs

S.Narasimhan,
s/o.Santhanam,
Hindu aged 62 years,
Residing at No.52, C, Third Main Road,
Kasthuribai Nagar, Adayar, Chennai-60020

...Respondent/Respondent/Respondent

UNDERTAKING AFFIDAVIT OF MR.R.P.R.RAGHAVAN

I Ponraj Ashok s/o. Late R.P.R. Raghavan aged about ~~56~~ Years, residing at No.23, Vijay Avenue, Nanganallur, Chennai-600061 do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the second petitioner in the above Civil Revision Petition, filed invoking the supervisory jurisdiction of this Hon'ble Court, seeking to set aside the order dated 14.11.2024 in I.A. No. 1 of 2024 in R.C.A. No. 12 of 2021 on the file of the Hon'ble Subordinate Judge, Alandur.

R. Ponraj Ashok

No. of copies:



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2. The said I.A. was filed under Order XLVII Rule 1 read with Section 151 of the Civil Procedure Code and Rule 11 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to review the order dated 21.11.2022 in R.C.A. No. 12 of 2021, as there exists an error apparent on the face of the record.

3. I Submit that when the matter came up for admission considering the case of the petitioner, this Hon'ble Court was pleased to grant interim stay of the said impugned order by order dated 04.03.2025. The Interim order of this Honourable court is extended till 29.04.2025.

4. I respectfully submit that I am making this undertaking voluntarily, in good faith, and with bona fide intent to comply with the directions and orders of this Hon'ble Court and to amicably resolve the matter.

5. I hereby solemnly undertake that I will vacate the property by 31st of July, 2025.

6. I further undertake to extend full cooperation to the Respondent and/or any third parties for the smooth completion of the sale transaction, if it materializes, or for effecting peaceful vacating and handing over of possession, as the case may be.

R. Ponigal



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7. I submit that this undertaking shall not prejudice the rights of the Respondent in any manner and is made without any coercion, compulsion, or undue influence from any quarter.

8. I also submit that upon compliance with the above, I shall not seek any further extension of time or additional relief from this Hon'ble Court in this regard.

9. I am fully aware that any failure on my part to comply with the terms of this undertaking shall render me liable to contempt proceedings and such other consequences as may be directed by this Hon'ble Court, and I shall abide by the same unconditionally.

Solemnly affirm and sincerely state
that the above are read and explained
in English and understood signed
in my presence on this ^{29th} day of April 2025

R. Ponraj Adv.

BEFORE ME
R.S. Varshana
2983/24
R.S. VARSHANA
Talukamman Kovil
Tamil Nadu ch-5
ADVOCATE, CHENNAI



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6. Taking into consideration the Affidavit of Undertaking dated 29.04.2025 filed by the petitioner and recording the submissions made by the learned counsel on both sides, this Civil Revision Petition is disposed of with a direction to the petitioner to vacate and handover the possession of the premises to the respondent on or before **31.07.2025**.

7. The Affidavit of Undertaking dated 29.04.2025 filed by the petitioners shall form part of the Court records. Consequently, the connected miscellaneous petition is also closed. No costs.

29-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

klt

To

The Subordinate Court, Alandur.



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A.D.JAGADISH CHANDIRA J.

klr

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