



WEB COPY

Crp.No.917 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRP. No. 917 of 2025

and

CMP.No.5308 of 2025

1. K.Balasubramaniam
2. K. Rajasekar
3. R.Kamalam
4. K.Unnamalai

... Petitioners

Versus

1. Sri Vinayagar Finance, Namakkal,
Rep. By its Managing Partner,
N.K.Natarajan, Door No.61, Main Road, Namakkal Town.

2. K.Arunachalam

... Respondents

[the cause title was amended vide Order
dated 28.04.2025 in CMP.No.9872 of 2025]

PRAYER

Petition is filed under Section 115 of the Civil Procedure Code, 1908, seeking to set aside the fair and decretal order of the Additional District Munsif at Namakkal dated 14.02.2025 in R.E.P.No.53 of 2022 in H.R.C.O.P.No.7 of 2010.

For Petitioner : Mr.P.Valliappan, Senior Advocate
for M/s. PV Law Associates
For R1 : Mr. Sam Jayaraj Houston,
Mr. H.Shabeer Ali
for M/s. Sarvabhauman Associates



ORDER

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This Civil Revision Petition has been filed seeking to set aside the fair and decreetal order of the Additional District Munsif at Namakkal dated 14.02.2025 in R.E.P.No.53 of 2022 in H.R.C.O.P.No.7 of 2010.

2. Today, when the matter came up for hearing, both parties and their respective counsel were present before this Court. The learned Senior Counsel appearing for the petitioners submitted that the petitioners are intending to vacate and handover the premises to the respondent/landlord on or before 31.07.2025. They have also filed an Affidavit of Undertaking dated 28.04.2025, to that effect. He also prayed that this civil revision petition may be disposed based on the undertaking given by the petitioners.

3. Learned counsel appearing for the respondents has no objection to withdraw the amount deposited by the petitioners before the Rent Controller Authority. The first respondent/landlord, has also made an endorsement in the affidavit of undertaking dated 28.04.2025 with regard to the same.

4. Heard both sides and perused the materials available on record, including the Affidavit of Undertaking. The said affidavit of undertaking dated 28.04.2025 filed by the first petitioner on behalf of other petitioners is taken on record, and the same is extracted hereunder:-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)**C.R.P. No. 917 of 2025****1. K.Balasubramaniam**

S/o. Late Karuppih

2. K.Rajasekar

S/o. Late Karuppih

3. R.Kamalam

W/o. K.Ramanathan

4. K.Unnamalai

W/o. Late Karuppih

All the Petitioners are residing at:Door No.52/48, Thillaipuram
2nd Street
Namakkal...Petitioners/**P**etitioners**-Vs-****1. Sri Vinayagar Finance, Namakkal**

Rep. by its Managing Partner,

N.K.NatarajanDoor No.61, Main Road
Namakkal Town**2. K. Arunachalam**

S/o. Late Karuppih

Door No.52/48, Thillaipuram

2nd Street

Namakkal

...Respondents/**R**espondents**UNDERTAKING AFFIDAVIT OF K.BALASUBRAMANIAM**

I, K.Balasubramaniam, son of Late Karuppih, aged about '69' years, residing at No. 52/48, Thillaipuram, Second Street, Namakkal, now come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

1. I am the 1st petitioner herein. I am well acquainted with the facts of the case and I am filing this affidavit on behalf of the other petitioners, as well.

K. Balasubramaniam

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Corrections: Nil



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2. The 1st respondent had filed the Original Petition in H.R.C.O.P.No. 7 of 2010, before the Principal District Munsif Court at Namakkal for eviction against us and 2nd respondent.

3. The Rent Controller by order dated 01.12.2011, dismissed the Original Petition. Against the same, the 1st respondent preferred Appeal in R.C.A. No. 1 of 2014, before the Rent Control Appellate Authority (Subordinate Judge's Court at Tiruchengode). The Appellate Authority by order dated 13.06.2014, allowed the Appeal. Aggrieved thus, we preferred Civil Revision Petition in C.R.P.No. 3184 of 2014 before this Hon'ble Court. This Hon'ble Court by order dated 08.06.2020, affirmed the decision rendered by the Lower Appellate Court. As against the same, we preferred Special Leave Petition in S.L.P.(C) No.16529 of 2022. The Special Leave Petition was dismissed by the Hon'ble Supreme Court on 21.03.2023.

4. Later, the Learned District Munsif by order dated 14.02.2025 allowed the Execution Petition and ordered delivery of possession. Hence, we preferred the captioned Civil Revision Petition.

5. I respectfully submit that I am almost '70' years old and suffering from various age-related ailments. Obviously, I cannot shift my textile shop to a new place and start afresh, at this age. I have no choice, but to windup my business. I need time to windup my business after disposing of the available stock and/or making some kind provision regarding them. Hence, I humbly pray that this Hon'ble Court may be pleased to grant us a year's time for vacating and handing over vacant possession of the demised premises to the 1st respondent. The 1st respondent disconnected the water connection on 14.02.2025. Hence, the 1st respondent may be directed to restore the water connection, forthwith.

6. We hereby undertake to vacate the demised premises on or before 31-7-25 and also pay the rents regularly without any default. For all the reasons mentioned above, it is prayed that this Hon'ble Court may be pleased to **record this Affidavit of Undertaking** and thus render Justice.

Solemnly affirmed at Chennai and the
deponent signed his name in my presence)
on this the 28th day of April 2025)

2nd & last page ✓
Corrections: Nil

I have no objections in the respondents
withdrawing the rent deposited before the
Rent Controller Authority K. Balasubramanian
28/4/25

Before Me

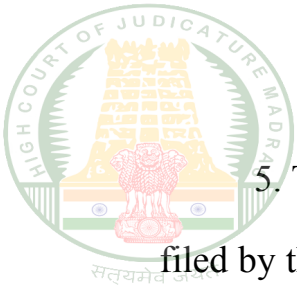
D. Thirumoorthy
Advocate - Chennai

D. THIRUMOORTHY

Advocate

E.No. 2541/ 2007

No. 409, New Addl. Law Chambers,
High Court, Chennai



5. Taking into consideration the affidavit of undertaking dated 28.04.2025 filed by the petitioners and the endorsement made by the respondent/landlord in the affidavit of undertaking, this Civil Revision Petition stands disposed of with a direction to the petitioners to vacate and hand over the premises to the first respondent/landlord on or before **31.07.2025**.

6. The Affidavit of Undertaking dated 28.04.2025 filed by the petitioners shall form part of the Court records. Consequently, the connected miscellaneous petition is also closed. No costs.

28-04-2025
(2/2)

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

klt

To

1. The Additional District Munsif Court, Namakkal.

2. The Section Officer, V.R. Section, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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(2/2)