



CRP.No.1572 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 23.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.Nos.1572 of 2021

and

CMP.No.12241 of 2021

1.P.Kalaivani

2.S.Purushothaman

... Petitioners/Respondents 1 & 2 /Tenants
Vs

1.D.Paramasivam

... 1st Respondent/Petitioner/Landlord

2.M/s.Sangeetha Mobiles,
Old No.70, New No.70/3,
Ground Floor,
Purasawalkam High Road,
Chennai - 600 007,
Having registered office at
No.73, 1st Floor, 5th Street,
Anna Nagar East,
Chennai - 600 102.

... 2nd Respondent/3rd Respondent

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act XVIII of 1960 as amended by Act 23 of 1973), setting aside the Judgment and Decree dated 03.03.2021 passed in RCA.No.330 of 2016, on the file of VIII Court of Small Causes, Chennai, modifying the Order and Decree dated 21.04.2016 passed in RCOP.No.2181 of 2012, on the file of X Court of Small Causes, Chennai.



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For Petitioners : M/s.R.Chithradevi

For Respondents : Mr.K.P.Ashok for R1
: R2-No appearance

ORDER

This Civil Revision Petition has been filed against the order dated 03.03.2021 passed in RCA.No.330 of 2016, on the file of VIII Court of Small Causes, Chennai, modifying the Order and Decree dated 21.04.2016 passed in RCOP.No.2181 of 2012, on the file of X Court of Small Causes, Chennai.

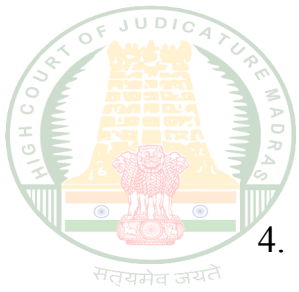
2. The revision petitioners are the tenants and the first respondent is the landlord. The X Court of Small Causes, Chennai, by an order dated 21.04.2016 in RCOP No.2181 of 2012 has ordered the eviction under Sections 10(2)(i), 10(3)(a)(iii), 10(2)(ii)(a) and 10(2)(ii)(b) of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960 and directed the petitioners / tenants and the third respondent / M/s.Sangeetha Mobiles to vacate the petition premises and hand over the possession to the first respondent / landlord within two months from 21.04.2016. Aggrieved over the same, the petitioners/tenants has filed an appeal in RCA.No.330 of 2016 before the VIII Court of Small Causes at Chennai and the



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learned Appellate Judge, by an order dated 03.03.2021 has modified the order passed by the learned trial Judge by setting aside the eviction order passed on the ground of different user and confirmed the eviction order passed on the ground of willful default, owners occupation and subletting, granting 3 months time for eviction and partly allowed the appeal. Therefore, the petitioners / tenants have filed the present revision petition.

3. Learned Counsel for the petitioners submitted that the execution petition is pending before the X Small Causes Court, Chennai in which police aid and break open petition is allowed and the matter was posted on 30.04.2025 for execution of warrant. She would further submit that the petitioners have decided to vacate the premises and they seeks some time to vacate and handover the petition premises to the first respondent / landlord within five months and she has also filed an Affidavit of Undertaking regarding the same and therefore, a direction may be issued to the executing court to keep the execution petition pending till such time. She also prayed that this civil revision may be disposed based on the undertaking given by the petitioners.



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4. Learned Counsel for the first respondent / landlord submitted that the respondent has no objection to the petitioners vacating the petition premises within five months and he also submitted that the revision petition may be disposed of in terms of the undertaking given by the petitioners.

5. Heard the learned counsel appearing for both sides and perused the materials available on record.

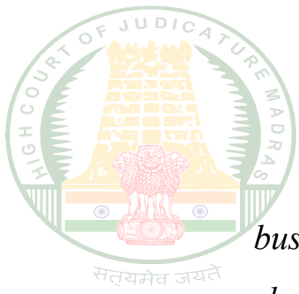
6. The Affidavit of Undertaking dated 23.04.2025 filed by the petitioners / tenants before this Court is extracted hereunder:-

"I, Purushothaman, S/o.Subramani, Hindu aged about 49 years, residing at No.13/25, Manickam Chetty Street, Choolai, Chennai - 600 112, do hereby solemnly affirm and sincerely state as follows"-

1. *I humbly submit that I am the petitioner herein and as such I am well aware of the facts and circumstances of the case.*

2. *I humbly submit that in the above said case E.P.No.519 of 2021 is pending before the X Small Causes Court, Chennai in which police aid and break open petition is allowed and the matter is posted on 30.04.2025 for execution of warrant.*

3. *I humbly submit that I am running a textile shop in the petition premises for the past 20 years. Considering the nature of my*



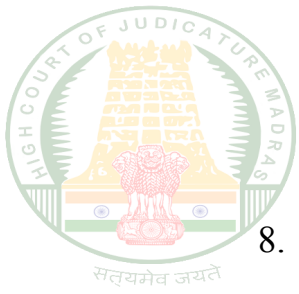
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business and long run in that premises, I am not in a position to shift my shop to another location immediately and it will take at least five months to do the same.

4. *I humbly submit that I hereby undertake to deliver the vacant possession of the petition premises on or before 30th September, 2025.*

Hence, I pray that this Hon'ble Court may be pleased record this undertaking affidavit and permit me to deliver the vacant possession of the petition premises on or before 30th September 2025 and thus render justice."

7. Taking into consideration, the Affidavit of Undertaking dated 23.04.2025 filed by the petitioners / tenants and recording the submissions made by the learned Counsels on both sides, this Civil Revision Petition stands disposed of with a direction to the petitioners / tenants to vacate the premises and hand over the possession of the premises to the first respondent / landlord on or before **30.09.2025**. Further, the Executing Court is directed to keep the execution petition in E.P.No.519 of 2021 pending till **30.09.2025**.



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8. The Affidavit of Undertaking dated 23.04.2025, filed by the petitioners / tenants shall form part of the Court records. Consequently the connected miscellaneous petition is also closed. No costs.

Post the matter for reporting compliance on **07.10.2025**.

23.04.2025
(2/2)

Index : Yes / No

Neutral Citation : Yes / No
veda

To

1.D.Paramasivam
G4, Ground Floor, Kala Flats,
No.56/50, East Jones Road,
Saidapet, Chennai - 600 015.

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Chennai - 600 102.

3. VIII Small Causes Court, Chennai.

4. X Small Causes Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.
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