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CMA No. 2135 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2135 of 2025

AND

CMP NO. 18463 OF 2025

M.S.Ganesh

Appellant

Vs

1. Govindaprasad

2.Radha Govindaprasad

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Order 43 Rule 1 of Civil Procedure Code, praying to set aside the order made in I.A.No.7 of 2025 in O.S.No.8678 of 2022 on the file of the XVII Additional Judge, City Civil Court, Chennai dated 30.06.2025.

For Appellant: Mr.K.A.Mariappan

For Respondent(s): Mr.K.M.Srirangan For Rr1 And 2



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JUDGMENT

Heard and considered rival submissions made by both learned counsel for appellant as well as respondents and perused the materials available on record.

2. Today, when the matter taken up for hearing, as per the direction of this court in the earlier occasion, the appellant agreed to vacate premises and also agreed to settle the rent arrears. But needs time till the completion of academic year April 2026. To that effect, he had filed an undertaking affidavit. But, the learned counsel for respondents raised strong objections stating that already he has committed in payment of rent nearly about two years. So, the landlord and tenant relationship was strained. However, the fact reveals that the respondent landlords are senior citizens. Therefore, they insisted to vacate the premises at the earliest point of time. But, as per the submissions on the side of appellant, he met loss in the business and also his daughter is pursuing her studies in a college. So, he needs some time.

3. Considering his submissions and considering the fact that there was default in payment of rent for more than three years. So, the issue arose between



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the parties. The respondents are senior citizens have filed a suit for vacating the premises against the appellant. So also, there is a sum of Rs.18,00,000/- towards rent arrears. In the meanwhile, the appellant filed a suit for recovery of Rs.5,00,000/- from the respondents in O.S.No.4161 of 2022. To avoid further complications and without prejudice to the suit claim, they are ready to adjust a sum of Rs.5,00,000/- out of Rs.18,00,000/- towards total rent arrears. The said fact was also admitted by the respondents while they appeared before this court and he had also admitted that so far, the balance of rent arrears comes around Rs.12,00,000/-. For that, he needs some more time. Considering his request, the appellant is directed to pay the rent arrears of Rs.12,00,000/- within a period of twelve weeks to the respondents account through his counsel from today.

4. Furthermore, the appellant also seeks time to vacate the premises. Considering that, four months time is granted to vacate the premises from today (06/08/2025) and he is directed to vacate the premises on or before 06.12.2025 by handing over the key. On such vacation of premises, the appellant is directed to withdraw the suit, which was filed by him against the respondents for recovery of Rs.5,00,000/-, since the said amount was already adjusted with the



rent arrears. If any deviation by the appellant in vacating the premises, the

respondents are entitled to vacate him by directly filing execution application

before the appropriate forum. The undertaking affidavit filed by the appellant is

recorded and the same shall be forming part and parcel of this judgment. No

costs. Consequently, connected Civil Miscellaneous Petition is closed.

Reporting compliance on 08.12.2025.

06-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. XVII Addl. City Civil Judge, Chennai.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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