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CRP.PD.No.5310 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.PD.No.5310 of 2024

and

C.M.P.No.29568 of 2024

Mr.Mohammed Rafi

... Petitioner

Vs

1.Mr.V.Sridhar
2.M/s.The Ahamed International
Rep.by Mr.Ahamed Arif,
Office at No.55/22,
Rajasekaran Street, Mylapore,
Chennai-600 004.

...Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the respondents herein to set aside the fair and decretal order dated 05.11.2024 passed in stay application in I.A.No.1 of 2024 in R.L.T.A.No.79 of 2024 by the III Additional City Civil Court at Chennai and consequently to allow the stay application



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in I.A.No.1 of 2024.

For Petitioner : Mr.L.Gavaskar
For Respondents : Ms.Y.Kavitha
Mr.Prasanna

ORDER

This Civil Revision Petition arises against the order passed by the learned III Additional City Civil Court at Chennai in I.A.No.1 of 2024 in R.L.T.A.No.79 of 2024, dated 05.11.2024.

2. The Civil Revision Petitioner is the appellant in RLTA No.79 of 2024. He suffered order of eviction in RLTOP No.13 of 2020 on the file of the XIII Court of Small Causes, Chennai on 15.02.2024. Aggrieved by the same, he preferred an appeal before the learned III Additional City Civil Judge at Chennai.

3. Pending the appeal, he moved an application in I.A.No.1 of 2024, seeking stay of operation of the fair and decreetal order of RLTOP No.13 of 2020. The learned III Additional City Civil Judge,



Chennai dismissed the application. Hence, this Civil Revision Petition.

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4. When the matter came up for admission, I was able to perceive that the Civil Revision Petitioner is a sub-tenant under the 2nd respondent herein. The 2nd respondent had not preferred an appeal against the order of eviction. Hence, the order passed against the main tenant is equally binding on the sub-tenant. Apart from that, it is clear that an amount of Rs.25,91,500/- is due to the 1st respondent. While granting stay, a Court is always entitled to impose conditions including a direction to deposit the arrears of rent.

5. Be that as it may, when I was not inclined to admit the revision, Mr.Gavaskar submitted that he shall file an affidavit of undertaking of Civil Revision Petitioner agreeing to hand over the possession of the property on or before 20.01.2025.

6. I found the request reasonable. Therefore, I listed the matter



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today.

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7. When the matter was taken up today, Mr.Gavaskar, filed an affidavit, after due notice to Ms.Y.Kavitha, undertaking to vacate the premises on or before 20.01.2025. The undertaking affidavit is recorded. As stated in paragraph 2 of the undertaking affidavit, the petitioner shall hand over the peaceful possession of the property to the 1st respondent on or before 20.01.2025.

8. The undertaking affidavit of the petitioner is as follows:



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

C.R.P.(PD).NO.5310 OF 2024

Mr.Mohammed Rafi
Son of Mr.S.S.Sahad,
No.F2, Andrenson Gardens,
Anderson Road, Nungambakkam,
Chennai- 600 034.

Petitioner

-Versus-

1. Mr.V.Sridhar
Son of Emberumanar Chetty
Residing at Old No.51, New No.37,
McNicholas Road, Chetpet,
Chennai-600 031.

2. M/s The Ahamed International
Rep by Mr.Ahamed Arif,
Office at No.55/22,
Rajasekaran Street, Mylapore,
Chennai- 600 004.

Respondents

AFFIDAVIT OF MOHAMMED RAFI

I, Mohammed Rafi, Son of Mr. S.S.Sahad, Muslim, aged about 40 years, residing at No.F2, Anderson Gardens, Anderson Road, Nungambakkam, Chennai- 600 034, do hereby solemnly affirm and sincerely states as follows:-

1. I am the Petitioner in the above C.R.P and as such I am well acquainted with the facts and circumstances of the case.
2. I submit that I have been occupying the Petition Premises viz., No.F2, Anderson Gardens, Anderson Road, Nungambakkam, Chennai-600 034 along with my family members and as such I humbly pray that this Hon'ble Court may be pleased to grant a time for me to vacate and



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handover the vacant possession of the Petition Premises to the 1st Respondent on or before 20.01.2025. I am ready to vacate and handover the vacant possession of the Petition Premises to the 1st Respondent on or before 20.01.2025. I hereby submit/give my undertaking before this Hon'ble court in the above C.R.P. that I would vacate and handover the vacant possession of the Petition premises to the 1st Respondent on or before 20.01.2025.

Hence under these circumstances, I humbly pray that this Hon'ble Court may be pleased to record this Affidavit of Undertaking before this Hon'ble court in the above Civil Revision Petition and thus render justice.

Solemnly affirmed at Chennai on X
this the 3rd day of January 2025 X
and signed his name in my presence. X

Before Me,
G. L. Narayana
10/21
No. 1915 m. bhagav
Advocate, Chennai
Ch. 39



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9. It is left open to the parties to workout their rights independently with respect to any claim that they have as regards arrears in an independent proceedings.

10. In the light of the above discussion, this Civil Revision Petition is dismissed, granting the aforesaid time as sought for by the petitioner. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.01.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

ssn

To
The III Additional City Civil Court,
Chennai.



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V.LAKSHMINARAYANAN, J.,

ssn

C.R.P.PD.No.5310 of 2024
and
C.M.P.No.29568 of 2024

03.01.2025



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