

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31/07/2003

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THE HONOURABLE MR.JUSTICE M. CHOCKALINGAM

C.R.P.(NPD) NO.1025 OF 2003 AND C.R.P.(NPD) 1026 OF 2003

AND

C.M.P.NO.10722 OF 2003

S. Ratna .. Petitioner in
both the petitions

-Vs-

1. B. Shajahan
2. B. Parveen Banu
3. Minor Shabeer Khan
rep. By brother and guardian
B. Shajahan .. Respondents in
both the petitions

These civil revision petitions are preferred under Section 25 of Tamil Nadu Buildings Lease and Rent Control Act 18/60 as amended by Act 23/73 and 1/80 to call for the records and set aside the orders dated 10.1.2003 passed by the learned Subordinate Judge, Karur in R.C.A. Nos.2 and 3 of 2002, as stated therein.

!For Petitioner : Mr.S.R.Rajagopal

^For Respondents : Mr.P.Valliappan, for
M/s. Sarvabahuman Associates

:COMMON ORDER

These two revision petitions have been brought forth challenging the two orders of the learned Rent Control Appellate Authority, Karur in R.C.A.No.2 of 2002 filed by the respondents herein, which was allowed and R.C.A.No.3 of 2002 filed by the petitioner herein, which was dismissed both challenging the findings given by the Rent Controller in RCOP No.24 of 1998 filed by the respondents herein. Challenging the common order of the appellate authority, the tenant has brought forth these revision petitions. 2. This Court has considered the rival submissions made and has gone through the materials available. This Court is unable to notice any merit to interfere with the order of the learned Rent Control Appellate Authority, and hence, both the revision petitions have got to be dismissed. Under such

circumstances, the learned counsel appearing for the revision petitioner/tenant has come forward with a request that if the Court comes to a conclusion that the orders of the learned Rent Control Appellate Authority are to be affirmed, sufficient time has to be given to the tenant/revision petitioner to vacate the premisses, to which course, the respondents' counsel was also amenable. An affidavit has also been filed by the revision petitioner. 3. Under the stated circumstances, the following order is passed on the undertaking given by the petitioner.

Both the civil revision petitions are dismissed and the RCOP filed by the respondents herein is allowed with a direction to the petitioner herein/tenant to vacate the premises by July, 2004 and hand over possession of the same along with Rs.2400/- (being the rental for a period of twelve months at the rate of Rs.200/= every month), towards rental commencing from August, 2003 till July, 2004 and if the same is not done, the respondents are entitled to seek for eviction by taking execution petition. Apart from the above, the respondents herein are entitled for the recourse of recovery of the entire rental arrears. It is also agreed upon by the landlord that if the revision petitioner/tenant vacates the premises and hands over the possession within one year, the landlord would waive the rental arrears except Rs.2,400 /=-, which is liable to be paid by the tenant to the landlord as agreed upon above. Consequently, connected CMP is also dismissed.

Index : Yes

Internet : Yes

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To

1. The Subordinate Judge, Karur

2. The District Munsif, Karur

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