

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P. No.754 of 2014

ORDER :

This Civil Revision Petition is filed under Article 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short 'the Act'), challenging the order dt.13.12.2013 in RCA.No.7 of 2012 of the Rent Control Appellate Authority-cum-Principal Senior Civil Judge, Kakinada confirming the order dt.26.07.2012 in RCC.No.2 of 2009 of the Rent Controller-cum-Principal Junior Civil Judge, Kakinada, who had directed eviction of the petitioners herein from the subject RCC premises on the ground that the 1st petitioner had committed willful default in payment of rent and he also sublet the premises to the 2nd petitioner.

2. Both Courts concurrently found that the admissions of RWs.1 and 2 prove that there is willful default in payment of rent by the 1st petitioner and that the 1st petitioner was not paying rents and only the 2nd petitioner was paying rents, that too, after filing of the RCC No.2 of 2009. They also held that the 2nd petitioner is brother's son of the 1st petitioner and without seeking permission of the respondents, the 1st petitioner had sublet the premises to the 2nd petitioner. These concurrent findings of fact have been arrived at by both the Rent Controller and Appellate Authority on appreciation of the evidence on record.

3. Counsel for the petitioner has not been able to point out any reason why the said concurrent findings of fact are liable to be interfered in exercise of the revisional jurisdiction of this Court under Section 22 of the Act. Therefore, I do not find any merits in this Revision.

4. Accordingly, this Civil Revision Petition is dismissed. However,

time is granted to the 2nd petitioner to vacate the RCC schedule premises on or before 07.01.2016 subject to the 2nd petitioner filing an undertaking within three weeks from today before the Rent Controller-cum-Principal Junior Civil Judge, Kakinada that he would vacate the subject premises by that date, positively and that he would continue to deposit the rents to the credit of the RCC No.2 of 2009 for this period as and when they fall due. On such deposit, the respondents are permitted to withdraw the same without furnishing any security. It is admitted by both parties that there are no arrears of rent as of today. There shall be no order as to costs.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

07th July, 2014
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