

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.5277 of 2015

ORDER :

This civil revision petition is filed under Section 22 of the A.P.Buildings (Lease, Rent and Eviction) Control Act, 1960, by the tenant, aggrieved by the order of eviction passed by the primary tribunal, as confirmed by the appellate Tribunal.

Respondent/landlord has filed eviction petition under Section 10(2)(i), 10(3)(a)(i)(a) and 10(2)(iv) of A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960, seeking eviction of petitioner/tenant from the petition schedule property covered by Municipal No. 11-4-181 alongwith appurtenant land situated at Bazaarghat, Hyderabad. Eviction is sought on two grounds, namely, willful default and bonafide requirement.

Before the primary Tribunal, though the petitioner herein has denied the title of respondent, in the counter affidavit, she has not even mentioned the name of original owner, but in her cross-examination, she has merely spelt out the name of one Zahra Bee as original owner-cum-landlord of the petition schedule premises.

From the material on record, it is clear that the property was originally owned by one Zahra Bee and she has gifted it to Shameem Sultana i.e. PW-2, who sold it to the respondent-landlord. Inspite of the fact that PW-2 herein has admitted sale of property to the respondent-landlord, the petitioner has denied his title without any basis. Further, there is no evidence to show that the petitioner has paid rents for the period from December, 2008 to June, 2009 and it is also established that respondent along with his wife and children, is

living in the small house of his parents, and hence, they intend to shift to the petition schedule property. In that view of the matter, the primary tribunal as well as the appellate tribunal have concurrently found that both the grounds of willful default and bonafide requirement are proved and accordingly ordered eviction. In view of the concurrent findings recorded by both the Courts below, I do not find any illegality in ordering eviction of petitioner/tenant.

For the aforesaid reasons, the revision is devoid of merit and it is accordingly dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

21st December 2015

ajr