

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION Nos.3505 & 3508 of 2015

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COMMON ORDER :

These two revision petitions are filed under Section 22 of the A.P.Buildings (Lease, Rent and Eviction) Control Act, 1960, by the respondent-tenant in R.C.No.386 of 2012, aggrieved by the orders passed in I.A.No.374 of 2014 and the consequential order passed in R.C.No.386 of 2012.

The respondent-landlady has filed eviction petition in R.C.No.386 of 2012 before the III-Additional Rent Controller, Hyderabad for eviction of petitioner herein from the petition schedule property i.e. house bearing Door No.1-4-586/76, situated at Indira Nagar, Bholakpur, Hyderabad on the ground of willful default in payment of rent and also on the ground of bona fide requirement of petition schedule house for her personal use as she being a widow. During the pendency of the R.C., the petitioner-tenant has filed I.A.No.88 of 2013 to accord permission for depositing rents during the pendency of the R.C. By order dated 06.05.2013, the said petition was ordered with a direction to the petitioner-tenant to deposit monthly rent of Rs.2,500/- on or before 10th of every succeeding month into the Court with a rider that if the tenant deviates from that order, then Section 11(4) of the Act follows.

Alleging that the order passed under Section 11(1)

of the Act is violated, respondent-landlady has filed an application under Section 11(4) of the Act in I.A.No.373 of 2014, with a request to pass an order of eviction and to put her in possession. Such petition is allowed and consequently eviction is ordered in R.C.No.386 of 2012, as such, both these civil revision petitions are filed against the orders passed in I.A.No.373 of 2014 and the consequential order of eviction passed in the R.C.

In these revisions, it is not in dispute that the petitioner-tenant himself has filed petition for deposit of rents and on such petition filed by him, orders are passed for deposit of rents on or before 10th of succeeding month. The petitioner-tenant has not deposited the rent within the stipulated time and when the petition is filed under Section 11(4) of the Act, he has not shown any reasonable cause for delayed deposits. Except stating that the Court has got discretionary power to condone the delay in payment of deposits, no other reason is assigned. When the order is passed permitting the tenant to deposit rent within a particular time, deposit of such rent cannot be allowed to be made beyond the time fixed in the order, in the absence of any application seeking extension of time. The petitioner-tenant, without filing any application for extension of time, pleaded that only Court has got the discretion to condone the delay in making the payments. In the absence of any reasonable cause for not depositing the rent within time, this Court is of the view

that the primary Tribunal has rightly allowed the petition filed in I.A.No.373 of 2014 and consequential orders are passed for eviction in R.C. itself. In view of the reasons recorded by the appellate Tribunal, this Court do not find any merit in these revision petitions so as to interfere with the order passed by the appellate Tribunal.

Both these revision petitions are accordingly dismissed.

However, petitioner is granted four months time to vacate the premises subject to filing an undertaking before the Registry of this Court within two weeks from the date of receipt of this order, undertaking to vacate the premises within four months. If no such undertaking is filed, it is open to the respondent to execute the order of eviction.

Pending miscellaneous applications, if any, shall stand closed. No costs.

R. SUBHASH REDDY, J

28th August 2015

ajr