

IN THE HIGH COURT JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE EIGHTH DAY OF FEBRUARY,
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

CIVIL REVISION PETITION No.37 of 2015

Between:

Sri Chatter Singh Sethia, S/o.Sujamal Sethia,
Hindu, Male, 57 years, R/o.D.No.31-35-57,
Vivekananda Colony, Daba Gardens,
Visakhapatnam.

... Petitioner

And

M/s. Hotel Poorna, Rep. by its Managing Partner,
Sri Grandhi Venkata Ramaiah, situated at
Poorna Buildings, Main Road, Visakhapatnam.

... Respondents

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

CIVIL REVISION PETITION No.37 of 2015

ORDER:

This Revision is filed under Section 22 of the A.P.Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short 'the Act') has been filed challenging the judgment 11.08.2014 passed in R.C.A.No.45 of 2013 on file of the Appellate Authority under the Act-cum-Principal Senior Civil Judge, Visakhapatnam, confirming the order 23.07.2013 in R.C.C.No.24 of 2010 on the file of the Rent Controller-cum-IV Additional Junior Civil Judge, Visakhapatnam.

The facts of the case in brief are as follows:

The respondent herein, who is the landlord, filed R.C.C.No.24

of 2010 against the petitioner herein, who is the tenant, on the file of the Rent Controller-cum-IV Additional Junior Civil Judge, Visakhapatnam seeking for eviction of the respondent from the RCC schedule premises. Originally, the RCC schedule premises belongs to Poorna Estates, which was taken by the petitioner on lease long back and constructed shopping complex called as 'Poorna Shopping Complex' and used to carry on the business. The petitioner-tenant leased out RCC schedule premises on a monthly rent for doing business. Thereafter, the respondent-landlord with an intention to expand lodging and hotel business, requested the petitioner-tenant to vacate the premises, but the petitioner-tenant did not vacate the premises. The petitioner-tenant was also very irregular in payment of rent and committed default of rents from August, 2009 and he has been using the schedule shop room as godown for keeping his material contrary to the terms of lease. Therefore, the respondent-landlord filed the present RCC seeking eviction of the petitioner-tenant.

The petitioner-tenant filed counter contending, *inter alia*, that he is carrying on business in the schedule premises since more than 22 years and he is regular in payment of rents and the respondent-landlord has cooked up a story only to evict him without any basis and need.

Before the Rent Controller, on behalf of the respondent-landlord, P.W.1 was examined and Exs.P.1 to P.7 were marked; and on behalf of the petitioner-tenant, R.W.1 was examined and no documents were marked.

The Rent Controller, after considering the evidence placed by both the parties, both oral and documentary, directed the petitioner-tenant to vacate the schedule premises within a period of three months from the date of order.

Aggrieved thereby, the petitioner-tenant filed R.C.A.No.45 of 2013

before the Principal Senior Civil Judge, Visakhapatnam (Appellate authority under the Act). By judgment dated 11.08.2014, the said appeal was dismissed and ordered that the petitioner-tenant shall vacate the schedule premises within two months from the date of the said judgment and deliver vacant possession of the respondent-landlord.

This order of the appellate authority is challenged in the Revision by the petitioner-tenant.

Heard Smt. N(P) Anjana Devi, learned counsel for the petitioner-tenant and Sri Y.Radhakrishna Murthy, learned counsel for the respondent-landlord.

Perused the order of the Rent Controller as well as the judgment of the Appellant Authority and the material available on record.

Learned counsel for the petitioner-tenant contended that the petitioner-tenant sought time to vacate the schedule premises and to hand over the same to the respondent-landlord, as the schedule premises is using as godown.

Therefore, the petitioner-tenant is granted four months' time to vacate the schedule premises and hand over the possession to the respondent-landlord.

With the above direction, the present civil revision petition is disposed of. No order as to costs. As a sequel to it, miscellaneous petitions, if any pending in this revision, shall stand closed.

JUSTICE G.CHANDRAIAH

Date: 06-02-2015
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