

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.3480 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 II-Additional Rent Controller, Hyderabad in R.C.No.255 of 2011, as confirmed by the Additional Chief Judge, City Small Causes Court, Hyderabad, in R.A.No.42 of 2013.

Respondent-landlord has filed the aforesaid R.C.No.255 of 2011 seeking eviction of petitioner-tenant on the ground of willful default, bonafide requirement of the petition schedule property and also for the immediate requirement of the petition schedule property, he being a senior citizen. The primary Tribunal did not accept the plea of willful default, but ordered eviction on the ground of bonafide requirement and also on the ground of immediate requirement of the petition schedule property to the landlord being a senior citizen.

Heard learned counsel for the parties.

Mainly, it is contended by the learned counsel for petitioner that earlier, there was an eviction petition filed in R.C.No.11 of 1996 when the petition schedule property was held by the joint family and the same was allowed, but such order of eviction was set aside by the appellate Tribunal in R.A.No.233 of 1999, which was further

confirmed by this Court in C.R.P.No.1954 of 2004. It is submitted that only to get over said order, again, the present petition is filed on the grounds of willful default and also on the ground of personal requirement.

It is the case of respondent-land lord that the petition schedule property is the only non-residential property owned by him and such property is needed for starting garment business by his son, who is an unemployee. It is further stated that as he is retired from service, he is in immediate requirement of the petition schedule property for his use.

Before the Rent Controller, the landlord and his son were examined as PWs.1 and 2 and Exs.P-1 and P-2 documents were marked on their behalf. The petitioner herein was examined as RW-1.

It is the clear case of respondent-landlord that the petition schedule property has fallen to his share in the partition, as such, he filed eviction petition. It is also clear from the material on record that the petitioner-tenant has filed R.C.No.264 of 2010 for deposit of rents, by impleading the respondent herein as party-respondent to the said R.C., and he has also paid rents to the respondent-landlord, and as such, it is always open for the respondents to seek eviction, on the grounds of bona fide requirement and his own need of the premises as he is a senior citizen. It is true that in the description, PW-2 has shown his occupation as business and if entire

evidence is scanned, it is clear that the respondent is in need of the premises in question to start a garment business to his son. It is also clear from the evidence on record that the respondent-landlord has retired from service and it has come in the evidence in clear terms that his son is also unemployed. From the overall evidence on record, it is clear that the respondent is in need of the premises for starting garment business through his son. In view of the concurrent findings of facts, I do not find any merit in this revision petition so as to interfere with the order of the primary Tribunal as confirmed by the appellate Tribunal.

As much as the petitioner is doing business in the premises in question for a considerable time and as he has to secure alternate accommodation, six months time is granted from today to vacate the premises. The petitioner shall file an undertaking before the Registry of this Court within a period of four weeks from today that he will vacate the premises within six months from today and that he will pay rents without any default, till he vacates the premises. It is made clear that no further time will be granted and failure to vacate the premises within the prescribed time, will result in legal consequences.

Subject to the above directions, this revision petition is dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

11th September 2015

ajr