

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

CRP.No.3909 of 2015

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Between:

Bhagiyamma

...petitioner

and

K.Papaiah

...Respondent

DATE OF JUDGMENT PRONOUNCED: 29.09.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment
may be marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.3909 of 2015

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ORDER:

This Civil Revision Petition is filed under Section 22 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960, by the tenant aggrieved of the judgment, dated 30.07.2015 rendered by the learned Additional Chief Judge, City Small Causes Court, Hyderabad, in R.A.No.57 of 2013, confirming the order of eviction, dated 25.02.2013 passed by the learned I Additional Rent Controller, Hyderabad, in R.C.No.335 of 2011.

Respondent herein is the owner of the mulgi let out to the petitioner. Originally, the petitioner obtained lease from the respondent's father, who was the landlord. The respondent, who is

the son of the original landlord, filed R.C.No.335 of 2011 on the ground that the petitioner committed willful default in payment of rents for the period from August, 2010 to August, 2011 @ Rs.400/- per month. The said case was contested by the petitioner. It was the case of the petitioner that she paid rents but receipts were not issued. Before the learned Rent Controller, the respondent herein was examined as P.W.1 and the petitioner was examined as R.W.1. The learned Rent Controller having considered the evidence on record, by order, dated 25.02.2013 allowed R.C.No.335 of 2011. As against the same, the petitioner carried the matter by way of appeal in R.A.No.57 of 2013. The lower appellate Court by judgment, dated 30.07.2015 dismissed the appeal confirming the order of eviction, dated 25.02.2013 passed by the learned Rent Controller in R.C.No.335 of 2011. The petitioner was granted two months' time to vacate the premises in question.

In this Civil Revision Petition, it is contended by the learned counsel for the petitioner that though original landlord was the father of the respondent, all the legal representatives have not filed a petition for eviction.

It is the pleaded case of the petitioner that she has paid rents for the period from August, 2010 to August, 2011 but receipts were not issued, as such, it cannot be said that she has committed willful default in payment of rents.

It is not disputed that the respondent is one of the sons of the original landlord. All the legal representatives have not joined is no ground to reject R.C.No.335 of 2011 filed by the respondent. Though it is the specific case of the respondent that the rents were not paid for the period from August, 2010 to August, 2011, it is specifically admitted by the petitioner in her cross-examination that for such period, rents were not paid. It is clear from the evidence of the

respondent that when the respondent was insisting for payment of rents, the petitioner herein filed O.S.No.3125 of 2010 on the file of VIII Junior Civil Judge, City Civil Court, Hyderabad for the relief of perpetual injunction and the said suit was dismissed for non-prosecution.

In view of the evidence on record and having regard to the concurrent finding recorded by the Courts below that the petitioner committed willful default in payment of rents, this Court is of the opinion that there is no case made out by the petitioner to interfere with the order passed by the Rent Controller as confirmed by the lower appellate Court.

Accordingly, the Civil Revision Petition is dismissed. However, as it is stated that the petitioner is doing vegetable business from last several years and she has to secure alternative accommodation, she is granted four months' time from today to vacate the premises in question, subject to filing an undertaking to that effect before the Registry of this Court within a period of two weeks from today. A copy of such undertaking shall also be sent to the respondent by Registered Post and the learned counsel appeared for the respondent before the learned Rent Controller.

The Civil Revision Petition is accordingly dismissed. No order as to costs.

Miscellaneous Petitions, if any pending in this Civil Revision Petition shall stand closed.

R.SUBHASH REDDY, J

29th SEPTEMBER, 2015.

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