

HON'BLE SRI JUSTICE R.SUBHASH REDDY

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CIVIL REVISION PETITION No.4390 of 2015

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ORDER :

This Civil Revision Petition, under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Act, 1960 (for brevity "the Act") is filed by the petitioner/tenant aggrieved by the judgment dated 18.08.2015 in R.A.No.150 of 2012 passed by the Additional Chief Judge, City Small Causes Court, Hyderabad, dismissing the appeal and confirming the order dated 04.06.2012 in R.C.No.219 of 2008 passed by the Principal Rent Controller, Secunderabad.

2. Heard learned counsel for the petitioner/tenant and perused the impugned judgment and the material on record.

3. The respondents/landlords filed R.C.No.219 of 2008 on the file of the Principal Rent Controller, Secunderabad, under Section 10(2)(i) of the Act, seeking eviction of the petitioner/tenant from Shop No.2, Mulgi in premises bearing No.1-1-149, admeasuring 170 square meters, situated at St. Mary's Road, Secunderabad, and to deliver vacant possession of the said premises to the respondents/landlords. The Principal Rent Controller, after considering the oral and documentary evidence on record, has allowed the said case through order dated 04.06.2012, on the ground that the petitioner/tenant has committed willful default in making payment of enhanced fair rent for the period from May, 2001 to December, 2008 @ Rs.1,400/- per month and accordingly directed the petitioner/tenant to handover vacant and peaceful possession of the subject premises within three months from the date of the said order. Aggrieved by the said order, the petitioner/tenant carried the matter in appeal in R.A.No.150 of 2012 on the file of the Additional Chief Judge, City Small Causes Court, Hyderabad. The lower appellate Tribunal, after re-appreciation

of evidence on record, dismissed the appeal, while confirming the order of the Principal Rent Controller, through the impugned judgment dated 18.08.2015.

4. In view of the concurrent finding of fact recorded by both the Courts below, I do not find any illegality or legal infirmity in the findings recorded by both the Courts below, warranting interference by this Court.

5. However, in view of the request made by the learned counsel for petitioner/tenant for grant of four months time to secure alternate accommodation, since the R.C. is of the year 2008, I am of the view that the petitioner/tenant be permitted to vacate the subject premises within a period of two months from today, subject to the condition of the petitioner/tenant filing an undertaking before the Registry of this Court, within a period of two weeks from today, to the effect that he would vacate the subject premises before expiry of two months period from today and also pay the rents regularly, including arrears of rent, if any.

6 . Subject to the above direction, this civil revision petition is dismissed, at the stage of admission. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

14.10.2015.

Msr

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