

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION Nos.4848 & 4869 of 2015

COMMON ORDER :

As the issue involved in both these revision petitions is common between the same parties, they are heard together and are disposed of by this common order.

C.R.P.No.4848 of 2015 is filed by the tenants, aggrieved by the findings recorded in R.C.No.67 of 2010 on the file of I-Additional Rent Controller, Hyderabad and order of eviction passed in R.A.No.227 of 2014 by the Additional Chief Judge, City Small Causes Court, Hyderabad. C.R.P.No.4869 of 2015 is also filed by the tenants, aggrieved by the order of eviction passed in R.C.No.324 of 2013, by the I-Additional Rent Controller, Hyderabad, as confirmed in R.A.No.36 of 2015, by the Additional Chief Judge, City Small Causes Court, Hyderabad. For the purpose of disposal, I refer to the parties as arrayed in the R.Cs.

Respondent in these revision petitions has filed eviction petitions in R.C.Nos.67 of 2010 and 324 of 2013 under the provisions of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960, seeking eviction of petitioners herein on the ground of willful default and on the ground of bonafide requirement. The primary Tribunal, though recorded a finding that the tenants have

committed willful default, has dismissed R.C.No.67 of 2010 on the ground that the partnership Firm which was a tenant, was not impleaded as a party to the R.C. Aggrieved by the finding of willful default, tenants have filed R.A.Nos.227 of 2014 and 36 of 2015, whereas, the landlady has filed cross-objections in R.A.No.227 of 2014, aggrieved by the findings recorded in R.C.No.67 of 2010. The Appellate Tribunal i.e. the Additional Chief Judge, City Small Causes Court, Hyderabad, by order, dated 11.09.2015, while confirming the findings recorded by the primary Tribunal, has also allowed the cross-objections and has ordered eviction on the ground of bonafide requirement to start calendar agency business by the landlady.

Heard learned counsel for the parties.

It is contended by the learned counsel for petitioners that though the partnership Firm was not made party, the appellate Tribunal has committed error in allowing the cross-objections. But, in the judgment reported in **Shivraj Sanghi v. Keshav Deo Dalmia**^[1], this Court has held that non-impleadment of partnership Firm or other partners is not fatal to the case under the A.P.Buildings (Lease, Rent and Eviction) Control Act. The ratio laid down in the said judgment fully supports the case of the landlady in these revision petitions. From the evidence on

record in both the revisions, it is clearly established that the tenants have committed willful default, and further, in C.R.P.No.4869 of 2015, it is also established that the landlady is in requirement of the premises for starting calendar agency business. As the earlier eviction petition was filed only on the ground of willful default, subsequent petition filed on the ground of bonafide requirement, also can be maintained. In that view of the matter, I do not see any merit in both these revision petitions, so as to review the impugned orders, in exercise of powers under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960. Both the revision petitions are accordingly dismissed.

However, as it is pleaded that the petitioners require some time to secure alternative accommodation, four months time is granted to them 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 before the expiry of four months from today, by serving a copy on other side.

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

R. SUBHASH REDDY, J

27th November 2015

ajr

[\[1\]](#) 2014 (1) ALD 616