

**HON'BLE SRI JUSTICE G. CHANDRAIAH**

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**C.R.P. No. 2780 of 2015**

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**DATE: 31.08.2015**

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Between:

Harpreet Singh Kohli .. Petitioner

And

Kadiyala Raghava

and another .. Respondents

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**ORDER :-**

This Civil Revision Petition is directed against the judgment dated 02.06.2015 in R.C.C.M.A.No. 108 of 2012 delivered by the Principal Senior Civil Judge-cum-Appellate Authority under A.P. Buildings (Lease, Rent & Eviction) Control Act, Vijayawada confirming the order and decree, dated 15.06.2012 passed in R.C.C.No. 114 of 2011 by the Rent Controller-cum-IV Additional Junior Civil Judge, Vijayawada.

The petitioner is the tenant and the respondents are the absolute owners / landlords of the petition schedule property. For the sake of convenience, the parties hereinafter referred to as the tenant and the landlords.

The brief facts of the case are that long ago, the father of the landlords gave the petition schedule premises situated in Vijayawada to the father of the tenant on oral lease for business necessities, and since then, the tenant has been continuing the business. Presently, the tenant is paying rent at the rate of Rs.3,000/- p.m. and has agreed to enhance the rent at 20% of the existing rent for every two years. However, the tenant willfully defaulted in payment of rents from the month of October, 2010 onwards. While so, the landlords, within an intention to start their own business in the schedule property, demanded the tenant to vacate the premises and settle the rents due. When the tenant neither paid the arrears due nor vacated the premises, the landlords got issued a legal notice dated 12.09.2011, and subsequently, filed R.C.C.No. 114 of 2011 seeking eviction of the tenant from the petition schedule property. The tenant also filed O.S.No. 318 of 2011 on the file of the Court of III Additional Junior Civil Judge, Vijayawada seeking permanent injunction and obtained temporary injunction in I.A.No. 162 of 2011 in O.S.No. 318 of 2011. It is further stated that the tenant remitted rents for the months from April to October, 2011 through Money Order, but the same were refused by the landlords. However, the trial Court, after considering the facts and circumstances and examining the evidence of PWs.1 and 2 and RW1 and Exs.A1 to A1 to A5 and B1 and B2, allowed the R.C.C.No. 114 of 2011 by order dated 15.06.2012 directing the tenant to vacate and deliver the vacant possession of the petition schedule property to the landlords within a period of two months from the date of pronouncement of the order. Being aggrieved by the order, the tenant preferred an appeal in R.C.C.M.A.No. 108 of 2012, and the learned Principal Senior Civil Judge-cum-Appellate Authority under A.P. Buildings (Lease, Rent & Eviction) Control Act, Vijayawada, after elaborately discussing the evidence and

considering the legal position, came to a conclusion that the tenant failed to make out a case to interfere with the order of the trial Court, and dismissed the appeal vide judgment dated 02.06.2015 by granting two month's time to vacate and deliver the premises. Challenging the judgment of the lower appellate Court, the tenant has filed the present Civil Revision Petition.

This Court, on 31.07.2015, while ordering Notice Before Admission, considered the submission of the learned counsel for the petitioner-tenant that he may be granted sometime to get instructions with regard to the time required for vacating the suit premises and granted *Status Quo* in respect of the possession over the suit schedule premises. Subsequently, this Court directed the petitioner-tenant to file an affidavit to the effect that how much time is required for vacating the premises in question. Today, when the matter is taken up for hearing, the learned counsel for the petitioner has submitted the affidavit stating that he is doing business in Automobiles in the schedule premises and sustained loss for some reasons and his father expired about nine months' ago in Delhi and requested for two years' time to enable him to vacate the premises and fetch reasonable accommodation.

The learned counsel for the respondents-landlords has submitted that the petitioner may be granted six months' time to vacate the premises and directed to pay arrears of rents due.

Having heard the learned counsel for both the parties, and perused the material on record, this Court, without going into the merits of the case, is inclined to dismiss the Civil Revision Petition as there are no tenable reasons to interfere with the impugned judgment. However, in the light of the submissions made by the learned counsel for both the parties and taking into consideration the nature of the petitioner's business and also the schedule premises which is situated in Vijayawada centre, a prime location, this Court is of the view that in the present circumstances of the case, it may be difficult for the tenant to get alternative accommodation for his family members, as

such, it is appropriate to grant eight months' time to vacate the schedule premises subject to the following conditions:

- i. The petitioner-tenant shall pay the entire amount of arrears, if any due, to the respondents-landlords in two equal installments within a period of two months.
- ii. The petitioner-tenant shall pay rent on or before 10<sup>th</sup> of every succeeding month till he vacates the schedule premises.
- iii. The petitioner-tenant shall, without making any objection, vacate the schedule premises and hand it over to the respondents-landlords, within a period of eight months from today. It is made clear that the petitioner, under any circumstances, shall not file any application seeking extension of further time to vacate the premises.

With the above observation, this Civil Revision Petition is disposed of.  
No order as to costs.

As a sequel to the disposal of the Civil Revision Petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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**G. CHANDRAIAH, J**

31.08.2015

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