

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2285 of 2015

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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 dated 04.09.2013, passed by the II-Additional Rent Controller, Hyderabad, in R.C.No.330 of 2012, and the order of the appellate Tribunal dated 25.02.2015, passed in R.A.No.204 of 2013 by the Chief Judge, City Small Causes Court, Hyderabad.

2. Respondent herein is the owner and landlord in respect of the house property bearing Municipal No.4-1-1/32/A corresponding to old No.4-1-1/32/1, situated at Niyaz Khana, King Kothi, Hyderabad. The appellant herein is the tenant from the year 2002. It is the case of respondent that lease was oral for a period of 11 months, on a monthly rent of Rs.5,000/- exclusive of electricity and water charges. It is the allegation of respondent that the petitioner has failed to pay the rents from February 2006 onwards, therefore, he filed suit in O.S.No.5994 of 2008 claiming rent at the rate of Rs.800/- per month and the same was decreed. He has also filed R.C.No.106 of 2008, seeking to evict the petitioner herein as he failed to pay rent from the month of August 2008. Respondent was set exparte in the said R.C. and an exparte order

dated 04.09.2013 was passed allowing the R.C.

3. It is the case of respondent herein before the Rent Controller that the rent payable is at the rate of Rs.5,000/- per month, and as the petitioner/tenant has filed to pay such rent, by issuing notice under Section 106 of the Transfer of Property Act, he terminated the tenancy on 08.01.2008, and hence, sought for eviction.

4. Petitioner/tenant has filed detailed counter affidavit before the Rent Controller, disputing the quantum of rent and the allegation of default. He also denied the bonafide requirement of premises, as pleaded by the respondent/landlord.

5. Before the Rent Controller, respondent herein was examined as PW-1, and on his behalf, Exs.P-1 to P-11 documents were marked. On behalf of petitioner herein, RW-1 was examined (eschewed) and Ex.R-1/certified copy of order in R.C.No.106 of 2008 was filed.

6. The Rent Controller, having appreciated the oral and documentary evidence on record, has recorded a finding that the tenant has defaulted in paying rents and further recorded a finding that the respondent herein is in requirement of the premises for his bonafide occupation as he is not having any other premises for his own occupation and he himself is staying in a rented house, and accordingly allowed the R.C. and ordered for eviction

of tenant/petitioner herein.

7. On appeal, the appellate Tribunal has confirmed the order of eviction on both the grounds of willful default and bonafide requirement. As against the same, this revision petition is filed.

8. In this civil revision petition, it is contended by Sri C.B.Ram Mohan Reddy, learned counsel for petitioner that as much as the petitioner himself has filed a petition for deposit of rents before the Rent Controller and he was paying rents regularly, he cannot be termed as a defaulter. It is further submitted that the personal occupation claimed by the respondent/landlord is the reason invented for eviction of petitioner from the property and actually the respondent is not in bonafide requirement of the premises.

9. I have perused the order passed by the primary Tribunal as well as the appellate Tribunal.

10. The primary Tribunal, having considered the entire oral and documentary evidence in detail, has come to the conclusion that the petitioner has committed default in paying rents and he has also not paid even the rent admitted by him, and that no evidence is adduced to show that there is a refundable deposit made by the petitioner in a sum of Rs.10,000/-. Although it is pleaded by the petitioner that he has paid some amount towards repairs,

no evidence is adduced to accept the same. In that view of the matter, the primary Tribunal as well as the appellate Tribunal have recorded a finding that the petitioner is a defaulter. It is further proved by the landlord that he himself is staying in a rented house and he seeks to occupy the premises in question, which is in ground floor, as much as he is advised not to climb upstairs. In view of the evidence on record, this Court is of the view that the findings recorded by the primary Tribunal as well as the appellate Tribunal with regard to default and bonafide occupation are in conformity with the evidence on record and there is no jurisdictional error or any other ground as contemplated under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960, so as to admit this revision.

11. This civil revision petition is accordingly dismissed. No costs.

However, having regard to the fact that the petitioner is in occupation of the premises for a very long time and in view of the request made by the learned counsel for petitioner that some time is required to secure alternative accommodation, four months' time is granted for eviction. The petitioner shall file an undertaking in the Registry within two weeks from the date of receipt of this order, to the effect that he shall vacate the premises on expiry of four months period. Such undertaking shall be made part

of the record.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

19th June 2015

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