

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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CIVIL REVISION PETITION No. 4372 of 2015

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ORDER:

Aggrieved by the orders dated 28.09.2015 in E.P.No.3 of 2013 in R.C.C.No.5 of 2002 on the file of the Principal Junior Civil Judge, Nuzvid, Krishna district, this civil revision petition is filed.

2. The respondents herein, who are the petitioners in RCC No.5 of 2002 on the file of the Junior Civil Judge, Nuzvid, filed the said rent control case seeking eviction of the revision petitioner herein, from the petition schedule premises. The said RCC was allowed by order dated 09.07.2008 directing the revision petitioner to handover vacant possession of the premises within three months. Challenging the order passed in the RCC, the revision petitioner filed rent control appeal i.e. RCA No.5 of 2008 on the file of Senior Civil Judge, Nuzvid. The appeal came to be dismissed by order dated 04.04.2012. Questioning the dismissal of the appeal, the revision petitioner filed CRP No.2746 of 2015 before this Court and the same is pending. In view of the decree granted in the RCC No.5 of 2002, the respondents herein filed E.P.No.3 of 2013 seeking direction to the revision petitioner to handover vacant possession of the petition schedule premises. The said E.P. came to be allowed by order dated 28.09.2015. Hence, this revision.

3. This Court, having found that there is no case to interfere with the impugned order, but however, keeping in view the fact that the premises in question is being used by the revision petitioner as a commercial shop in a small extent, adjourned the matter to 14.10.2015 so as to enable the parties to have a dialogue between them. Having heard both the learned counsel on 14.10.2015, this Court, at the request of the learned counsel for the respondents, for getting instructions, adjourned the matter to post-Dasara Vacation, 2015.

4. Today, the learned counsel for the revision petitioner submits that as the revision petitioner is running a small shop in the premises in question and eking out his livelihood, he would require reasonable time to find a suitable alternate location and hence prays the Court to grant one years' time to the revision petitioner for vacating the premises.

5. On the other hand, learned counsel for the respondents, on instructions, submits that the revision petitioner is enjoying the premises for the last five years without any authority due to which the respondents have been facing much inconvenience and hardship, and hence requests the Court not to grant any further time to the revision petitioner for vacating the premises.

6. Adverting to the submission of the learned counsel for the respondents, the learned counsel for the revision petitioner prays the Court to grant at least three months' time for vacating the premises. Learned counsel for the respondents, on reconsidering the ardent request of the learned counsel for the revision petitioner, submits that the revision petitioner may be granted two months' time for vacating the premises, and that the revision petitioner may be directed to file an affidavit to that effect before the trial Court.

7. In view of the submissions made by both the learned counsel, this revision petition is dismissed. However, having regard to the fact that the petitioner is eking out his livelihood by running a small shop in the premises, this Court is inclined to grant three months' time, from the date of receipt of a copy of this order, to the revision petitioner for vacating the premises; and the revision petitioner shall file an affidavit to that effect before the trial Court, within a period of three weeks from the date of receipt of a copy of this order. No costs. Miscellaneous petitions, if any pending, shall stand closed.

30th October, 2015

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