

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2151 of 2015

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JUDGMENT:

This Civil Revision Petition, under Section 22 of the A.P. Buildings (Lease, Rent & Eviction) Control Act, 1960 (for short "the Act") is filed by the defendant in R.C.No.50 of 2010 on the file of the Principal Rent Controller, Secunderabad, aggrieved by order dated 17.06.2013, as confirmed by the Additional Chief Judge, City Small Causes Court, Hyderabad vide R.A.No.133 of 2013 by order dated 01.12.2014.

2. For the sake of convenience, the parties are referred to, as arrayed before the trial court.

3. The petitioner, who is the owner of the petition schedule property in R.C.No.50 of 2010 filed claim petition under Section 10(2)(i), 10(2)(vi) and 10(3)(a)(i) of the Act, seeking eviction of the respondents on the grounds of wilful default in payment of rent, bona fide occupation and also on the ground of denial of her title by the respondents.

4. It is the case of the petitioner that the petition schedule property originally belonged to the respondents and the same was purchased by her vide registered sale deed dated 24.05.2006 (Ex.P.5) and thereafter by entering into rental agreement dated 01.07.2006, petition

schedule property was given on rent to the respondents at Rs.2,500/- per month. It is alleged that rents were paid upto September, 2008 and thereafter respondents committed default in payment of rent. Further pleading that the petitioner and family members are staying in a rented house and that they require the same for their bona fide occupation and also pleading that the respondents have disputed her title over the petition schedule property, petitioner sought eviction of the respondents.

5. In the said R.C., the respondents filed counter-affidavit. In the counter-affidavit, while denying the various allegations made by the petitioner, it is alleged that petitioner's son by name Jayakumar Bhatia is doing money lending business without licence and was charging interest at 10% per month from the year 2003-06 and was in the habit of taking signed non-judicial papers from the respondents as security for the monies lent by him. It is further stated that in the year 2004-05 when respondent No.1 took borrowed Rs.40,000/-, from the son of the petitioner, he obtained blank signed non-judicial paper from respondent No.1. Further, respondents denied the tenancy and stated that the son of the petitioner has taken the signed non-judicial paper from them and the alleged agreement is not binding upon them.

6. Before the Rent Controller, on behalf of the

petitioner, P.Ws.1 and 2 were examined and documentary evidence – Exs.P.1 to P.14 were filed. On behalf of the respondents, respondent No.1 was examined as R.W.1 and documentary evidence – Exs.R.1 to R.3 were filed.

7. The Rent Controller, considering the oral and documentary evidence on record, recorded a finding that the respondents defaulted in payment of rent; there is jural relationship of tenant and landlord between the parties; the respondents have committed default in payment of rent and also denied title of the petitioner illegally. By further recording a finding that the petition schedule premises is required for bona fide occupation of the petitioner, ordered eviction of the respondents by order dated 17.06.2013. Aggrieved by the order of eviction, the respondents carried the matter in appeal before the Additional Chief Judge, City Small Causes Court, Hyderabad, who, by order dated 01.12.2014, dismissed the appeal and granted three months' time to the respondents for vacating the premises. As against the same, this appeal is filed.

8. In this appeal, it is contended by the learned counsel for the revision petitioners (respondents) that there is no landlord and tenant relationship between the parties. Further, the son of the petitioner (plaintiff) was doing money lending business and he obtained signatures of the revision petitioners (respondents) on

blank

non-judicial stamp papers and fabricated the documents. It is submitted that in the absence of evidence on record, the Rent Controller accepted the documents under Exs.P.1 to P.5 and ordered eviction.

9. Heard the learned counsel for the revision petitioners (respondents) and perused the orders passed by the Rent Controller and the Additional Chief Judge, City Small Causes Court, Hyderabad.

10. The petitioner (plaintiff) claims purchase of the petition schedule premises by registered sale deed covered by Ex.P.5, dated 23.05.2006. Further, the rental agreement signed by the petitioners (respondents) is also marked as Ex.P.1. The revision petitioners (respondents) themselves have admitted execution of the rental agreement and the ownership as claimed by the petitioner based on registered sale deed marked as Ex.P.5. The revision petitioners (respondents) continued in possession even execution of after sale deed in favour of the petitioner (plaintiff), but once property is transferred under Ex.P.5, the petitioner (plaintiff) has become the owner and possessor of the property and in view of the execution of rental deed which is marked as Ex.P.1, the possession of the revision petitioners (respondents) is continued as tenants but not as owners. Further, from the oral and documentary evidence on record, it is clear that

the revision petitioners (respondents) defaulted in payment of rent and denied the title of the petitioner (plaintiff) without any basis. Such aspects were considered in detail and findings were recorded by the courts below.

11. In view of the concurrent findings of facts recorded by the courts below, I do not find any jurisdictional error or any other ground as contemplated under Section 22 of the Act, so as to interfere with the impugned orders.

12. Accordingly, the civil revision petition is dismissed. No costs. However, the revision petitioners are granted four months time to vacate the premises subject to the following conditions:

1. Arrears of Rs.15,000/- shall be paid within four weeks from today.
2. Revision Petitioners shall continue to pay rent of Rs.2,500/- every month regularly for the said period of four months.
3. Revision petitioners shall file an undertaking before the Registry of this Court, within a period of two weeks from today, undertaking to vacate the premises by the end of October, 2015.

As a sequel, miscellaneous petitions if any pending in the appeal stand closed.

R. SUBHASH REDDY, J

26th June, 2015
MRR