

**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**C.R.P.No.5340 OF 2015**

**ORDER:-**

This Civil Revision Petition is filed challenging the judgment, dated 28.10.2015, in R.A.No.152 of 2013 passed by the Additional Chief Judge, City Small Causes Court, Hyderabad, confirming the order, dated 16.7.2013, in R.C.No.397 of 2007 passed by the III Additional Rent Controller, Hyderabad.

2. Respondents are the landlords of house bearing M.No.18-1-436/22 & 23 situated at Nirqui Phool Bagh, Chandrayangutta, Hyderabad and petitioner is the tenant of the said house. The respondents/landlords have filed R.C.No.397 of 2007 on the file of the III Additional Rent Controller, Hyderabad under Section 10(2)(i), (ii)(b), (iii) and 10(3)(a)(i)(b) of the A.P. Buildings (Lease, Rent & Eviction) Control Act, 1960 (for short, "the Act") for eviction of the petitioner/tenant from the petition schedule property mainly on the ground that the petitioner/tenant is a willful defaulter in payment of rents for the period from May, 2005 to September, 2007.

3. Before the trial Court, on behalf of the respondents/landlords, P.W.1 was examined and documentary evidence under Exs.P-1 to P-4 were marked. On behalf of the petitioner/tenant, R.W.1 was examined and documentary evidence under Exs.R-1 and R-2 were marked.

4. The trial Court, after appreciating the oral and documentary evidence on record, by order, dated 16.7.2013, in R.C.No.397 of 2007, held that insofar as the quantification is concerned, the amount of admitted rent of Rs.1,000/- per month is taken into consideration, however, there is no proof to show that the petitioner paid the rents from May, 2005 to September, 2007.

5. Aggrieved by the said order, the petitioner/tenant carried the matter in appeal in R.A.No.152 of 2013 on the file of the Additional Chief Judge, City Small Causes Court, Hyderabad. The lower appellate Court, after re-appreciating the evidence and perusing the material on record, by judgment, dated 28.10.2015, in R.A.No.152 of 2013, dismissed the appeal with costs by confirming the order of eviction passed by the trial Court.

6. Aggrieved by the said judgment of the lower appellate Court, the petitioner/tenant filed the present Civil Revision Petition.

7. Learned counsel for the petitioner/tenant contended that the respondents/landlords have not entered into the witness box; that the petitioner has paid rents regularly; that there is no default much less any willful default and in spite of the same, the eviction was ordered.

8. To substantiate his contention, learned counsel for the petitioner has placed reliance upon the judgment of this Court in **Indian Bank, Chittoor v. V.R. Venkataraman and others**<sup>[1]</sup> to draw adverse presumption against the landlords.

9. Having heard the learned counsel appearing for the parties, I have perused the orders passed by the trial Court as well as the lower appellate Court.

10. In this case, it is the specific plea of the respondents/landlords that the petitioner/tenant has committed willful default in payment of rents from May, 2005 to September, 2007. The respondents/landlords have also filed a petition under Section 11(1) of the Act for arrears of rent and the same was allowed with a direction to deposit the rents from July, 2007 to March, 2013, as against which, matter was carried by way of revision by the petitioner/tenant and the same was disposed of with a direction to decide the quantification of the rent in the main

case and directed the petitioner/tenant to deposit the rents. In the said I.A., though the petitioner/tenant has taken a stand stating that he paid entire arrears to the then G.P.A. Shaik Ahmed till January, 2013, in the evidence affidavit, that plea was not taken by him. In view of the contradictory stand of the petitioner/tenant and further, in the absence of any proof to show that he has paid rents for the period from May, 2005 to September, 2007, the trial Court has ordered for eviction of the petitioner/tenant and the same was confirmed by the lower appellate Court.

11. In view of the concurrent finding of facts recorded by both the Courts below, this Court do not find any merit in this Revision Petition so as to interfere with the impugned judgment. At this juncture, learned counsel appearing for the petitioner requested for grant of some time to vacate the petition schedule property in order to secure an alternate accommodation.

12. In view of the request made by learned counsel for the petitioner, four (4) months time from today is granted to the petitioner/tenant to vacate the petition schedule property subject to the condition of the petitioner filing an undertaking within two weeks from the date of receipt of this order before the Registry of this Court that he will vacate the premises before the expiry period of four (4) months. A copy of such undertaking shall be sent to the counsel on record to the other side before the lower appellate Court. If such undertaking is not filed within the stipulated time, it is open to the respondents/landlords to execute the decree without waiting for the time as specified above.

13. Subject to the above directions, this Civil Revision Petition is dismissed. There shall be no order as to costs.

14. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

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**JUSTICE R.SUBHASH REDDY**

Date: 23.12.2015  
AMD

**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**C.R.P.No.5340 OF 2015**

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**Dated: 23.12.2015**

AMD

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