

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos.4154 and 4185 of 2015

COMMON ORDER:

These two revision petitions are being disposed of by this common order as the landlord is common in both the cases.

2. The landlord filed R.C.C.Nos.25 and 27 of 2009 before the Rent Controller-cum-Principal Junior Civil Judge, Rajahmundry for eviction of tenants in respect of two shops situated in Tiled house bearing D.No.9-37-9, situated at Godavari Bund Road, Rajahmundry Municipal Corporation, East Godavari District. The said two cases were filed on the ground of wilful default and *bona fide* requirement. The trial Court framed the following issues for consideration:

- “1. Whether denial of title of petitioner by the tenant is bonafide, if so/not, what is the course open?
2. Whether respondent committed wilful default in payment of rents.
3. Whether petitioner is having personal bonafide requirement for occupying the schedule property for conducting proposed tent house business?”

3. After considering the oral and documentary evidence, the Court below held all the issues in favour of the landlord and against the tenants and ordered eviction of tenants from the premises in question vide separate orders, dated 19.11.2012 by granting two months. Challenging the same, the tenants filed R.A.C Nos.1 and 2 of 2013 and both the appeals were dismissed on 25.08.2015 by separate orders confirming the orders passed by the Rent Controller. Challenging the orders passed by the appellate authority under the Andhra Pradesh Buildings (Lease, Rent & Eviction) Control Act (Principal Senior Civil Judge), the present revision petitions are filed.

4. Before the lower appellate authority, the tenants themselves

admitted with regard to non-payment of rent and taking the same into consideration, the lower appellate authority held that the tenant committed wilful default in payment of rent. Since the tenants challenged the title of the landlord, the appellate authority held that the said challenge is not *bona fide*. It was also held that even though the landlord has residential premises, there is no non-residential premises, the landlord requires the premises in question for non-residential purpose and accordingly held that the landlord requires the premises for *bona fide* requirement.

5. In view of concurrent findings of fact by two authorities, this Court is not inclined to admit these two revision petitions. But, since the premises in question are non-residential premises, time is granted till 31.05.2016 to the tenants for vacation of premises subject to payment of arrears of rent within a period of one month from the date of receipt of a copy of this order and continue to pay the rent and also to handover the vacant possession of the premises on or before 31.05.2016. The tenants shall file an undertaking before the learned Rent Controller-cum-Principal Junior Civil Judge, Rajahmundry to that effect within a period of 15 days from the date of receipt of a copy of this order.

6. Accordingly, these two Civil Revision Petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these two revision petitions shall stand closed.

A. RAMALINGESWARA RAO, J

JANUARY 22, 2016

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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Date: 22.01.2016

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