

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

C.R.P No.4470 of 2016

ORDER:

Vide the present petition, the petitioner seeks to set aside the order dated 15.07.2016 made in RCA No.10 of 2015 on the file of Rent Controller Appellate Authority-cum-Principle Senior Civil Judge, Guntur.

The present petition is filed on the grounds *inter alia* that the lower appellate Court in dismissing the R.C.A., filed by the respondent, under Section 20 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 (Act XV of 1960), is contrary to law, and liable to be set aside;

the lower appellate Court erred in allowing R.C.A, on the ground that, the respondent required the premises for his personal use, in spite of specific admission made by the respondent that, they have several business premises in the same locality, whereas, the respondent/landlord seeks permission for personal occupation;

the revision petitioner is a tenant and the respondent is landlord. The eviction of revision petitioner was sought by respondent under Section 10 of the A.P. Building (Lease, Rent and Eviction) Control Act, 1960 (for short "the Act") on the grounds of bonafide requirement and willful default in payment of rent. Impugning the concurrent finding of the Tribunal in RCC No.21 of 2012 dated 29.12.2014 and Appellate Tribunal in RCA No.10 of 2015 dated 15.07.2016, the instant revision petition has to be maintained.

Section 22 of the Act, which refers to the scope of revision, reads as under:

“Section 22-Revision (1) : The High court may, at any time, on the application of any aggrieved party, call for and examine the records relating to any order passed or proceeding taken under this Act by the controller in execution under Section 15 or by the appellate authority on appeal under Section 20, for the purpose of satisfying itself as to the legality, regularity or of propriety of such order in reference thereto as it thinks fit.”

In another CRP No.4521 of 2016, the landlord and the property was the same, however the tenant was different, and this Court vide order dated 13.09.2016 passed the order, which reads as under:

“Having regard to the above limited scope and from the consensus arrived, the revision is disposed of by permitting the revision petitioner-tenant to continue in the premises for six months from 01.10.2016 till end of April, 2017 by paying same amount of monthly rent towards damages for use and occupation from today onwards for every month and in the event of the failure of the tenant to vacate by the end of April 2017, the Tribunal shall execute the order to recover the possession to the revision respondent. No order as to costs.”

Accordingly, keeping in view the Section 22 of the Act and the view taken by this court vide order dated 13.09.2016 as noted above, I hereby permit the revision petitioner/tenant to continue in the premises for six months from 15.07.2016 till the end of January, 2017 by paying same amount of monthly rent towards damages for use and occupation from today onwards for every month. However, in the event of the failure of the tenant

to vacate by the end of December 2016, the Tribunal shall execute the order to recover the possession and handover to the respondent.

With the above direction, this Civil Revision Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand dismissed.

JUSTICE SURESH KUMAR KAIT.

Date : 21-11-2016

Gvl

