

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION No.2345 of 2016

ORDER:

This Revision, under Section 22 of the A.P. Buildings Lease, Rent and Eviction Control Act, 1960, is preferred against the order passed by the Additional Chief Judge, City Small Causes Court, Hyderabad in R.A. No.49 of 2015 dated 22.02.2016.

The petitioner herein is the appellant in R.A. No.49 of 2015, and the respondent in R.C. No.125 of 2010. R.C. No.125 of 2010 was filed before the IV Additional Rent Controller, Hyderabad by the respondent-landlord seeking eviction of the petitioner herein on the grounds of bonafide requirement and wilful default in payment of rent. The Rent Controller held against the petitioner on both the grounds of bonafide requirement and wilful default in payment of rent. The Additional Chief Judge, City Small Causes Court, upheld the order of the Rent Controller solely on the ground of bonafide requirement. The findings recorded by the Court below, on the petitioner having wilfully defaulted in payment of rent, was set aside. Aggrieved thereby the present revision.

The main ground urged by Sri Ahmed Khan, Learned Counsel for the petitioner, is that the respondent herein owns the adjacent mulgi also; pursuant to the order passed by this Court, in CRP No.3440 of 2015 dated 23.09.2015, the respondent herein has taken possession of the said mulgi; and, therefore, there is no bonafide requirement of the mulgi leased out in favour of the petitioner herein. The fact remains that the order of this Court, in CRP No.3440 of 2015 dated 23.09.2015, was not even brought to the notice of the Additional Chief Judge, City Small Causes Court, Hyderabad before R.A. No.49 of 2015 dated 2.02.2016 was disposed of. I see no reason, therefore, to examine this contention urged for the first time in revision proceedings under Section 22 of the Act. As no other contention has been urged, and as concurrent findings of fact have been recorded by the Courts below on the question of bonafide requirement of the respondent herein, I see no reason to interfere with the order under revision.

Sri Ahmed Khan, Learned Counsel for the petitioner, would request that atleast six months time be granted for the petitioner to vacate the said

premises. Sri Damodar Mundra, Learned Counsel for the respondent, would however contend that the respondent requires the property bonafide, he has three sons who are idle, and they are yet to be provided a source of livelihood. In such circumstances I consider it appropriate to dispose of the revision directing the respondent herein not to take any coercive steps for eviction of the petitioner, from the subject mulgi, on condition that the petitioner submits an affidavit of undertaking before the Court below within two weeks from today, undertaking to voluntarily and unconditionally vacate the subject premises within four months from today; and he shall vacate the said property on his own accord on completion of a period of four months from today. It is made clear that failure on the part of the petitioner to submit the undertaking as hereinabove mentioned, or to vacate the property within the aforesaid period of four months, would enable the respondents to take action in accordance with law to evict him from the subject premises. The Civil Revision Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, J

10.06.2016.

MRKR