

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION No.2940 of 2016

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ORDER:

This revision, under Section 22 of the A.P. Buildings (Lease, Rent & Eviction) Control Act, 1960 (for short 'the Act'), is filed against the order passed by the Additional Chief Judge, City Small Causes Court at Hyderabad, in R.A.No.55 of 2014 dated 29.09.2015.

The petitioner herein is the appellant in R.A.No.55 of 2014. The said appeal was filed against the order passed by the Rent Controller in R.C.No.99 of 2012, fixing the fair rent of the property at Rs.6,500/- per month as against the claim of the petitioners/landlords of Rs.25,000/- per month. The appellate Court fixed the fair rent for the petition schedule property at Rs.6,000/- per month with future enhancement at 10% for every two years, and the appellant was directed to pay the fixed fair rent from the date of the petition to the respondents/landlords.

In the order under revision, the Court below observed that there was a specific clause in the lease deed that the rent of Rs.200/-, which was fixed on the date of its execution, should be enforced for a period of 10 years and, thereafter, the landlords could make the demand for enhancement of rent; the said lease deed was executed in the year 1981 and, by the terms and conditions in the lease deed, no enhancement of rent could be sought till the year 1991; the landlords were entitled for enhancement of rent from the year 1992 onwards; the normal practice, for enhancement of rent, was 10% every year on the existing rent in case of non-residential accommodation; calculating the enhancement in rent at 10%, on the existing rent of Rs.590/- per month from the year 1992 onwards, the rent for the petition schedule property by the year 2015 would be Rs.5,810/- per month; and, by rounding of the same, the fair rent could be fixed at Rs.6,000/- per month. While

setting aside the order passed by the trial Court fixing the fair rent at Rs.6,500/- per month, the appellate Court fixed the rent at Rs.6,000/- per month.

Before this Court, Sri M.Srinivas Bazar, learned counsel for the petitioner, would submit that the petitioner herein had claimed that the fair rent for the subject property should have been fixed at Rs.3,500/- per month; the subject mulgi is a small shop in General Bazaar, Secunderabad; and instead of enhancing the rent at 10% per annum, the appellate Court ought to have considered enhancement in rent at 5% per annum.

I must express my inability to agree. The subject shop is in a popular and well known commercial area in Secunderabad and the fixation of monthly rent, calculating the enhancement from 1992 onwards at 10% per annum, is reasonable and fair. The rent of Rs.6,000/- per month, as fixed by the appellate Court, for a mulgi in General bazaar, Secunderabad, cannot be said to be so unreasonable as to necessitate interference in proceedings under Section 22 of the Act. I see no reason to interfere with the order under revision.

The Civil Revision Petition fails and is, accordingly, dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

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RAMESH RANGANATHAN,J

01.07.2016

v v