

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P.NOS.1223 AND 1186 OF 2016

COMMON ORDER

Heard both the counsel.

2. The respondent – Church of South India Trust Association is the landlord of the suit schedule property and the revision petitioners are the tenants.

3. The respondent filed RC.No.55 of 2015 on the file of Principal Rent Controller – cum – 12th Junior Civil Judge, Hyderabad seeking for eviction of the revision petitioners on the grounds of willful default under Section 10(2)(i) of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act and also under Section 12 of the said Act. By order and decree dated 4.9.2015, the trial court taking into consideration the prayer of the respondents under Section 12 of the Act, allow the case and the operation portion reads as under:

“In the result, the petition is allowed and the respondents are directed to vacate and handover vacant possession of the petition schedule property to the petitioner trust association within one month from the date of this order to enable the petitioner trust association to demolish the schedule property and construct newly multistoried residential flats in Westly Bagh. Further, the petitioner is hereby directed to give an undertaking before taking possession from the respondents to reinduct, redeliver and handover after construction newly multistoried residential flat i.e., 750 sft. To the respondents within two years from the date of handing over the possession by the respondents, failing which both parties are entitled to execute the order. No costs.”

4. Challenging the above order, the landlord – Church of South India filed R.A.No.181 of 2015 and the tenants filed appeal in R.A.No.173/2015 on the file of the Additional Chief Judge, City Small Causes Court, Hyderabad. By separate judgments and decrees dated 7.1.2016, the lower appellate court allowed the appeal filed by the

landlord in R.A.No.181/2015 and dismissed the appeal filed by the tenant in R.A.No.17/2015 and the tenants were directed to vacate the suit premises. Aggrieved by the same, the tenants filed present revisions and the matters were taken up by way of lunch motion on 14.3.2016 and on the said date, the following docket order was passed:

“This matter is moved by way of lunch motion on the ground that the parties are likely to settle the matter by way of compromise out of the Court.

When this matter is called, the learned counsel, represented the learned counsel for the petitioner, sought time.

In view of the matter, post the matter on 16.3.2016 ‘for orders.’”

5. Today, both the counsel submitted that parties have settled the matter out of court and that in view of the said settlement, both the parties are willing for confirming of the order of the trial court passed under Section 12 of the Act and that the revision petitioners undertakes to handover the petition schedule property to the respondents on or before 31.2.2016 and in case of default, the respondents are at liberty to take a legal recourse by filing execution petition for eviction of the revision petitioners and they shall not protest or make any objection for the same. To this effect, the counsel for the revision petitioner filed an affidavit.

6. In view of the above the revision petition is disposed of in terms of the settlement arrived at between the parties. No costs.

AVS

17 --03--2016