

HONOURABLE SRI JUSTICE G.CHANDRAIAH

CIVIL REVISION PETITION Nos.1184,1185,1200,
1206,1208,1213

AND

1218 OF 2016

DATED 13TH APRIL, 2016

BETWEEN

T.Bhaskar and ors

....Petitioners in CRP.No.1184 of
2016

K.Prabhudas and anr

...Petitioners in CRP.No. 1185 of
2016

T.Bhaskar and ors

...Petitioners in CRP.No.1200 of
2016

K.Prabhudas and anr

...Petitioners in CRP.No. 1206 of
2016

G.Sunil

...Petitioner in CRP.No.1208 of 2016

T.Prasad

...Petitioner in CRP.No.1213 of 2016

G.Sunil

...Petitioner in CRP.No.1218 of 2016

And

Church of South India Trust Association,
Secunderabad, represented by
Dr.B.Vimal Sukumar and Mr.Dolakala David.

.....Respondent in all CRPs.

HONOURABLE SRI JUSTICE G.CHANDRAIAH

CIVIL REVISION PETITION Nos.1184,1185,1200,
1206,1208,1213

AND

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COMMON ORDER:

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Since the subject matter of all these Civil Revision Petitions is one and the same, they were heard together and being disposed of by this common order.

The petitioners herein are the tenants of the respondent-landlord. The petition schedule property of the respondent-landlord was originally let out to the respondents-tenants more than thirty years back on monthly rent basis. As the petition schedule property has become old and in dilapidated condition, the respondent-landlord entered into development agreement with M/s S.B. Constructions for construction of residential flats and also entered into the tripartite agreement with occupants. Though the petitioners-tenants agreed to vacate the premises as the respondent-landlord agreed to re-induct them as tenants after completion of construction, however, a dispute as to their tenancy and their entitlement arose inasmuch as an agreement for providing alternative accommodation could not reach finality. When the petitioners-tenants committed willful default in payment of monthly rent, the respondent-landlord filed petitions under Section 10(2)(i) and Section 12 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act for eviction of the petitioners-tenants from the respective tenancies. The

learned Principal Rent Controller-cum-12th Junior Civil Judge, Hyderabad, allowed the aforesaid petitions (RCs) on the ground of requirement of conducting alterations or repairs or demolition if it is dilapidated or otherwise as provided under Section 12 of the Act and directed the petitioners-tenants to vacate and handover vacant possession of the petition schedule property to the respondent-landlord within one month from the date of receipt of a copy of the order to enable the respondent-landlord to demolish the schedule property and construct new multistoried residential flats. Further the landlord-respondent was directed to give an undertaking before taking possession from the petitioners-tenants stating that it will re-induct the petitioners-tenants or redeliver and handover the possession to the petitioners-tenants immediately after construction of newly multistoried residential flats is completed and that it will endeavor to complete the work within two years from the date of handing over the possession.

Aggrieved by the same, the respondent-lord preferred appeals before the learned Additional Chief Judge, City Small Causes Court, Hyderabad, upon which, the lower appellate Court by orders impugned in the civil revision petitions allowed the appeals filed by the respondent-landlord on the ground of willful default in payment of rents by the petitioners-tenants as envisaged under Section 10(2)(i) of the Act and directed the petitioners-tenants to vacate and handover vacant possession of the petition schedule property to the respondent-landlord within two months from the date of the judgment, failing which the respondent-lord is at liberty to get vacant possession of the petition schedule property from the tenants by seeking

indulgence of the Court through due process of law. Aggrieved by the impugned judgments, the petitioners-tenants preferred the respective Civil Revision Petitions.

Heard the learned Counsel on either side and perused the material available on record.

During the course of hearing the revision petitions for admission, the learned Counsel for the respondent-landlord submitted that as was agreed and stated in the plaint before the trial Court, my client is ready and willing to re-induct the petitioners-tenants, or, redeliver/handover suitable accommodation to them in the newly constructed multistoried residential flats as per the then prevailing circumstances and therefore there cannot be any grievance for the petitioners-tenants to handover the vacant possession. It is further submitted that the respondent-landlord undertakes that it will endeavor to complete the work/project within two years from the date of taking vacant possession of the property. On agreeing with the same, the learned Counsel for the petitioners-tenants submitted that my clients would handover the vacant possession to enable the respondent-landlord to demolish and proceed with the construction. In view of the above, without going into the merits or otherwise of the subject matter, the Civil Revision Petitions are disposed of directing the petitioners-tenants and respondent-landlord to file their respective undertakings before the trial Court, as stated supra, within a period of one month from the date of receipt of a copy of this order and proceed further in accordance with their respective undertakings.

Miscellaneous petitions pending consideration if any in

the Civil Revision Petitions shall stand closed in consequence.

No order as to costs.

JUSTICE G.CHANDRAIAH

DATED 13TH APRIL, 2016.

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