

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.2891 of 2016

Dated 24th June, 2016

Between:

Yerrabolu Muralikrishna

...Petitioner

And

Relangi Sriramulu

...Respondent

Counsel for the petitioner: Sri G.Rama Gopal

Counsel for the respondent: ---

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 17.02.2016, in RCA.No.11 of 2012, on the file of the learned Principal Senior Civil Judge-cum-Appellate Court of Rent Control Cases at Visakhapatnam whereby he has confirmed the order, dated 25.09.2012, in RCC.No.8 of 2008, on the file of the learned Rent Controller-cum-IV Additional Junior Civil Judge, Visakhapatnam.

At the hearing, the only submission made by Sri G.Rama Gopal, learned counsel for the petitioner, to upset the well considered and concurrent orders of the fora below is that under Section 10(3)(a)(iii) of the A.P.Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short 'the Act') unless the landlord requires his non-residential building for the purpose of business which in the opinion of the Controller the

landlord *bona fide* proposes to commence, the latter cannot seek eviction of the tenant in occupation of the non-residential building. The respondent has pleaded in the rent control petition that he is aged 75 years, that he has wife, four sons and one unmarried daughter and that he is getting Rs.4,000/- as pension and residing in a rented house. He has further pleaded that he intends to construct a house for them and a shop room for business for one of his sons.

The respondent has examined himself as PW.1 and produced Exs.P1 to 4 in support of his above-mentioned pleadings. Both the Courts below concurrently accepted the plea of the respondent that he requires the premises *bona fide* for the purposes which he has pleaded in the rent control petition.

In the above factual matrix of the case, the submission of the learned counsel for the petitioner that the respondent cannot seek eviction of the tenant of a non-residential building unless he *bona fide* requires the same for the purpose of business is misconceived.

In my opinion, if the landlord wants to convert the non-residential building for residential purpose, he will fall under the provisions of Section 10(3)(a)(i) of the Act. The Act does not prevent him from evicting the tenant even if he is running a business and reside in the premises after converting the same for residential purpose. Construing the above-mentioned provision in any different manner would completely curtail the freedom of the landlord to enjoy the property if he *bona fide* requires the same for his own occupation. Even otherwise, the respondent has succeeded in convincing both the fora that he has three unemployed sons besides an unmarried daughter and that he not only requires the premises for residential purpose but also for construction of a shop for one of his sons for carrying on business.

In the light of the above facts of the case, I do not find any reason to interfere with the orders of the Courts below. Hence, the civil revision petition is dismissed.

The learned counsel for the petitioner requested for reasonable time for his client to vacate the premises.

Considering the fact that the petitioner is running a printing press, he is granted two months' time for vacating the premises subject to his filing an affidavit before the Rent Controller, giving unconditional undertaking that he will handover vacant possession of the premises by paying arrears of rent, if any, without any demur on the expiry of two months, within one week from today.

As a sequel to dismissal of the CRP, CRP.MP.No.3672 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

24th June, 2016
VGB