

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P. No.4521 OF 2016

ORDER:

The Civil Revision Petition is filed against the order dated 15.07.2016 passed in R.C.A. No.9 of 2015 on the file of Rent Control Appellate Authority-cum-Principal Senior Civil Judge, Guntur confirming the order dated 29.12.2014 passed in R.C.C. No.8 of 2012 by Rent Control-cum-Principal Junior Civil Judge, Guntur.

2) The revision petitioner is the tenant and the revision respondent is the landlord. The eviction of the revision petitioner was sought by respondent under Section 10 of A.P Building (Lease, Rent and Eviction) Control Act, 1960 (for short 'the Act') on the grounds of bonafide requirement and willful default in payment of rent. Impugning the concurrent finding of the Tribunal in R.C.C. No.8 of 2012 dated 29.12.2014 and the Appellate Tribunal in R.C.A. No.9 of 2015 dated 15.07.2016, the present revision is maintained.

3) Whereas it is the contention of the learned counsel for the respondent that the concurrent findings of the Courts below no way requires interference, for this Court while sitting in revision within its limited scope as laid down in ***Hindustan Petroleum Corporation Limited vs Dilbahar Singh***¹ for no perversity or unsustainability of finding much less contrary to law, hence to dismiss the revision.

¹ (2014) 9 SCC 78

4) Heard both sides at length and perused the material on record.

5) Section 22 of the Act, which refers to the scope of revision reads as under:

“Section 22-Revision(1): The High Court may, at any time, on the application of any aggrieved party, call for and examine the records relating to any order passed or proceeding taken under this Act by the Controller in execution under Section 15 or by the appellate authority on appeal under Section 20, for the purpose of satisfying itself as to the legality, regularity or of propriety of such order in reference thereto as it thinks fit.”

6) Having regard to the above limited scope and from the consensus arrived, the revision is disposed of by permitting the revision petitioner—tenant to continue in the premises for six months from 01.10.2016 till end of April, 2017 by paying same amount of monthly rent towards damages for use and occupation from today onwards for every month and in the event of the failure of the tenant to vacate by the end of April, 2017, the Tribunal shall execute the order to recover the possession to the revision respondent. No order as to costs.

7) Consequently, pending miscellaneous petitions, if any, shall stand dismissed.

Dr.JUSTICE B. SIVA SANKARA RAO

Dt.30.09.2016
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