

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No. 595 of 2016

Order:

The petitioner herein is the tenant and the respondents-landlords filed RC No.354 of 2013 on the file of the Principal Rent Controller, Hyderabad, seeking his eviction from Mulgi bearing Municipal No.4-3-175/1, admeasuring 90 sq.ft., situated at Kandaswamybagh, Sultan Bazar, Hyderabad, on the grounds of *bona fide* requirement and willful default.

2. The case was contested by the petitioner herein by filing a detailed counter.

3. The learned Principal Rent Controller framed the following points for consideration.

“1. Whether there is jural relationship between the petitioners and respondent as landlords and tenant?

2. Whether the requirement of the petition schedule property by the petitioners is bona fide or not?

3. Whether the respondent has committed willful default in payment of monthly rent from January 2013 to September 2013 as stated in the petition is true or not?

4. To what relief?”

4. The landlords examined PW.1 and marked Exs.P1 to P6 on their behalf. The tenant was examined as RW.1 and marked Exs.R1 to R6.

5. On the basis of oral and documentary evidence, the learned Principal Rent Controller came to the conclusion that the tenant mala fide and intentionally took a false claim that the schedule property belongs to Raja Kandaswamy Mudiliar and the landlords are not the owners of the schedule property at any point of time. The learned Principal Rent Controller also gave a finding that the schedule premises is required for the *bona fide* requirement of PW.1. It also came to the conclusion that the tenant committed willful default in payment of rents. Accordingly, it ordered the eviction of the tenant from

the schedule premises, by an order dated 02.02.2015.

6. Challenging the said order, the petitioner herein preferred RA No.53 of 2015 before the learned Additional Chief Judge, City Small Causes Court, Hyderabad, who dismissed the said appeal with costs, by an order, dated 04.11.2015.

7. Challenging the said order, the present Civil Revision Petition is filed.

8. The learned Additional Chief Judge, City Small Causes Court, Hyderabad, framed the following points for determination.

“1. Whether the landlords are only care takers of the petition schedule mulgi and they are not the owners of it as alleged by the tenant?

2. Whether there existed any jural relationship of landlords and tenant in between the parties?

3. Whether the requirement of petition schedule mulgi by the landlords can be said as a personal bonafide requirement?

4. Whether the tenant committed default in payment of the rents for the period from January 2013 to November 2013 and if the answer is affirmative, then such default can be said a simple default or a willful default?

5. Whether the order of the trial Court warrants any interference?

6. To what relief?”

9. The learned Additional Chief Judge held that there is jural relationship of landlords and tenant between the parties and the respondents are landlords. With regard to *bona fide* requirement and willful default also the appellate Court confirmed the findings recorded by the learned Principal Rent Controller.

10. In view of the concurrent findings of facts recorded by both the authorities, this Court is not inclined to admit the present Civil Revision Petition, but, however, in view of the fact that the suit schedule property is non-residential accommodation, this Court is inclined to grant time

for eviction of the petitioner-tenant on or before 30.06.2016. The petitioner shall file an undertaking before the learned Principal Rent Controller, Hyderabad, agreeing to handover vacant possession of the schedule premises to the respondents-landlords on or before that date i.e., 30.06.2016 and continuing to pay the agreed rent till then, within a period of 15 days from the date of receipt of a copy of this order. If such undertaking is not filed by the petitioner-tenant, it is open to the respondents-landlords to take necessary execution proceedings.

11. Accordingly, the Civil Revision Petition is dismissed. However, in the circumstances, no costs.

12. As a sequel thereto, the miscellaneous petitions, if any, pending in the Civil Revision Petition shall stand closed.

A.
Date: 04.02.2016
Nsr

RAMALINGESWARA RAO, J.