

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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CIVIL REVISION PETITION No.5670 OF 2002

ORDER:

This Civil Revision Petition is filed under Section 22 of the Andhra Pradesh Building (Lease, Rent and Eviction) Control Act, 1960 (for short, 'the Act) by the 1st petitioner/landlord aggrieved by the order, dated 04.10.2002, passed in R.A. No.7 of 1997 by the learned Chief Judge, City Small Causes Court, Hyderabad, confirming the order, dated 17.12.1996 made in R.C.No.638 of 1994 by the learned IV Additional Rent Controller, Hyderabad, dismissing the petition filed to evict the respondent. Earlier vide order, dated 28.02.2005 allowed the revision setting aside the order of the appellate Court. The matter was carried to Supreme Court in Civil Appeal No.7066/2005 and the Hon'ble Supreme Court remanded the matter to this Court being revisional authority with the following directions:

“In view of the above, the matter is remitted to the High Court with a request to examine the case afresh in the light of the aforesaid decision (2014) 9 Supreme Court Cases 102 (**Hindustan Petroleum Corporation Limited Vs.Dilbahar Singh**) of the Constitution Bench of this Court as also the observation made above and decide the same in accordance with law after giving an opportunity to both the parties. Needless to mention that the tenant shall continue to pay the rent to the landlord as and when it becomes due.”

2. The revision petitioners are the legal heirs of the deceased landlord-1st petitioner, who died during pendency of the proceedings before different Courts.

3. The petitioner/landlord filed R.C.No.638 of 1994 on the file of IV Additional Rent Controller, Hyderabad, under Section 10 (2) (i) and (3) of the Act to evict the respondent-tenant on the ground of wilful default in payment of rent and that the suit premises bearing Shop No.1-8-174 situated at Chikkadpally, Hyderabad, is *bona fide* required by him for carrying cloth business.

4. The specific ground urged in para 4 of the Rent Control Petition is as follows:

“The petitioner submit that the suit premises is required by him for carrying business of cloth for himself. The petitioner further submit that he is doing the business of cloth from last 6-7 years and on account of not having a Mulgi for doing business the petitioner is suffering great hardship. The petitioner is doing his business from his house keeping the stock in home and earlier he use to sale the same door to door but now the customers are started coming to him. Petitioner is facing difficulty to call each and every customer inside the home. The petitioner require the suit mulgi bonafidely for his business, as such the respondent is liable to be evicted even on this ground also.”

5. The respondent filed counter denying both grounds namely wilful default in payment of rent and *bona fide* requirement pleaded by the petitioner in para 4 of the eviction petition. He further asserted that the plea of requirement of the demised premises for carrying cloth business is invented only to evict him from the premises. The respondent while denying the contention of the petitioner that the petitioner has no other accommodation for running cloth business and facing hardship, stated that the petitioner is the owner of seven mulgies and he let-out four mulgies on huge rent. Mulgi No.1-8-175 was recently let-out to medical shop and there are two other mulgies in H.No.1-8-178. The rent was enhanced and huge amount was taken from the tenant of Mulgi No.1-8-176 by withdrawing a case against tenant Sri Govindachary. Durga Electrical Works, which is situated at mulgi No.1-8-178 was vacated by its tenant Mohan and the same was let-out to Tent house on higher rent. If really petitioner is intended to carry on cloth business in the mulgi, he would not have leased out mulgies fell vacant. Therefore, the requirement of the mulgi by petitioner is not a genuine one and prayed for dismissal of the revision petition.

6. During enquiry, P.W.1 was examined and Exs.A.1 to A.17 were marked before the Rent Controller. On behalf of the respondent, R.W.1 was examined and Exs.B.1 to B.19 were got marked.

7. Upon hearing both the counsel, the Rent Controller dismissed the eviction petition.

8. Aggrieved by said the order, the petitioner/landlord preferred an appeal, which was dismissed by the appellate Court.

9. Thereafter, the petitioner carried the matter by way of revision and this Court being a revisional authority remanded the matter to the first appellant Court to afford an opportunity to examine the witnesses of both parties. In pursuance of direction issued by this Court in the revision, the petitioner/landlord examined P.Ws.2 to 10 to prove *bona fide* requirement of the premises and also got marked Exs.A.18 to A.45 on his behalf.

10. After hearing both the counsel, first appellate Court i.e., the Chief Judge, City Small Causes Court, Hyderabad, dismissed the appeal vide judgment, dated 04.10.2002 holding that the requirement of the petitioner is not a genuine.

11. Aggrieved by the Appellate Court order, the present revision was filed. This Court believed both grounds and allowed the revision petition. Aggrieved by the same, the respondent-tenant carried the matter to the Hon'ble Supreme Court in Civil Appeal No.7060 of 2005 and the Hon'ble Apex Court remanded the matter to this Court with the direction extracted above.

12. During hearing, learned counsel for the revision petitioners filed written argument besides advancing oral argument, raised a contention that after death of the original landlord, his wife i.e., petitioner No.2, continued the business since the business is a family business and therefore, the requirement does not cease to exist on the ground of death of original landlord during pendency of the proceedings in various Courts. He further contended that the *bona fides* of the petitioners are not required to be proved in a petition filed under Section 10 (2) (i) (3) of the Act. In support of his contention, they placed reliance on various judgments of this Court and the Hon'ble Apex Court viz., **Sait Nagjee Purushotham &**

Co.Ltd. Vs. Vimalabai Prabhulal and others^[1]; Savitri Sahay Vs. Sachidanand Prasad^[2]; Jai Prakash Gupta (Dead) through L.Rs. Vs.Riyaz Ahamad and another^[3]; Raghunath G.Panhale (Dead) by L.Rs. Vs. Chaganlal Sundarji and Co.^[4] and in Garapati Venkata Sitaramachandra Prasad Vs. Nayani Chalapathi Rao^[5]. He further submits that the date of filing of the eviction petition is relevant to decide the *bona fide* requirement of the demised premises by the landlord and subsequent events cannot be taken into consideration and prayed to order for eviction of the respondent/tenant from the demised premises on the ground of *bona fide* requirement alone.

13. On the other hand, learned counsel for the respondent/tenant contended that the requirement of subject premises by the 2nd petitioner for running cloth business is an afterthought somehow to evict the tenant from the schedule premises and it is not supported by any pleading in the petition; that even after legal heirs were brought on record during pendency of the Civil Appeal before the Hon'ble Supreme Court, no amendment was made to the petition pleading *bona fide* requirement of demised premises by the wife and children of the deceased 1st petitioner/landlord and therefore, this Court cannot grant relief to the petitioners. He further contended that in all the judgments, upon considering the relief sought for by the counsel for the petitioner/landlord, an eviction order was passed by the Rent Controller. But, during pendency of subsequent proceedings, he died and therefore, the requirement will not remain. But, in the present case, the Rent Controller as well as appellate Court dismissed the eviction petition and appeal before death of the 1st petitioner/landlord and thereby the principles in the above judgments have no application to the facts of the present case and prayed for dismissal of the revision petition filed under Section 22 of the Act.

14. Considering rival contentions and perusing the material available on record, the point that arises for consideration is

“Whether there is *bona fide* requirement of demised premises bearing No.1-8-174 by the 1st petitioner/landlord or his legal heirs for their occupation to carry on cloth business under Section 10 (3) (c) of the Act”?

In re-point:

15. As seen from para No.4 in petition R.C.No.638 of 1994, it is clear that the 1st petitioner-landlord required the premises for his own occupation to carry on cloth business. But, his plea was negated by the Rent Controller as well as appellate Court. Aggrieved by the order in appeal, C.R.P.No.3844 of 2000 was preferred before this Court, which was allowed setting aside the order and remanded the matter to the appellate Court with a specific direction to afford opportunity to the parties to adduce evidence in support of the claim of the petitioner and in support of the contentions of the respondent. Thereafter, the petitioner/landlord examined P.W.2 to 10 including his wife as P.W.10.

16. After hearing argument of both the counsel and considering oral and documentary evidence, by an order, dated 04.10.2002, the appellate Court dismissed the appeal holding that the requirement of premises by the 1st petitioner/landlord is not a *bona fide* one.

17. Aggrieved by the same the 1st petitioner/landlord preferred the present revision before this Court. Upon hearing the arguments of both the counsel and considering evidence on record, this Court vide orders, dated 28.02.2005, partly allowed the revision believing the *bona fide* requirement of premises by the 1st petitioner/landlord. Aggrieved by the same, the respondent/tenant preferred Civil Appeal No.7066/2005 before the Hon'ble Apex Court, but in view of consent of both parties, the Hon'ble

Supreme Court remanded the matter to this Court with a direction to reconsider and examine the case afresh in the light of the decision in

Hindustan Petroleum Corporation Ltd. Vs. Dilbahar Singh^[6].

18. As seen from the material on record, absolutely there is no pleading regarding nature of business carried on by the petitioners i.e., family business and it is the specific case in the first sentence of para No.4 of the Petition that the 1st petitioner-landlord required the premises for himself to carry on cloth business. There is absolutely no allegation that this business is a family business and the schedule premises is required for carrying on family business of the 1st petitioner landlord. But, during hearing of the revision petition, the counsel for the revision petitioners invented a theory that the business is family business and after death of the original landlord, his wife, who is the petitioner No.2 herein, continued to carry on cloth business in the premises and still the requirement is subsisting and thereby it is a *bona fide* one.

19. In a Civil proceedings, the pleadings are vital and the Courts cannot go beyond the pleadings while deciding any matter pending before it. Law is well settled that the Court cannot go beyond the pleadings as held in **Maria Margarida Sequeria Fernandes and others V. Erasmo Jack de Sequeria (Dead) through L.Rs.**^[7] at paras 52 and 53 which read as under:

“52. Truth is the foundation of justice. It must be the endeavour of all the judicial officers and judges to ascertain truth in every matter and no stone should be left unturned in achieving this object. Court must give greater emphasis on the veracity of pleadings and documents in order to ascertain the truth.

53. Pleadings are the foundation of litigation. In pleadings only the necessary and relevant material must be included and unnecessary and irrelevant material must be excluded. Pleadings are given utmost importance in similar systems of adjudication, such as, the United Kingdom and the United States of America.”

In view of the principles laid down by the Hon’ble Apex Court, this

Court confine to the pleadings and the evidence to decide the issue. A specific plea was raised at para No.4 of the eviction petition that the premises in question is required for occupation of the 1st petitioner/landlord to carry on cloth business. He never contended that he was carrying on the business as a family business and that the 1st petitioner and his wife were carrying on family business in a house and door to door premises.

20. In pursuance of direction issued by this Court in C.R.P.No.3844 of 2000, the 1st petitioner/landlord examined P.Ws.2 to 10 to establish that himself and his wife were carrying on business in sale of cloths. P.Ws.2 to 7 testified that the 1st petitioner and his wife used to purchase cloth from their respective shops and sell the same by keeping the stock at house and door to door, whereas P.W.10 testified that she is also carrying on cloth business in the residential premises as well as door to door business. In the absence of any pleading, any amount of evidence adduced by the parties to the proceedings cannot be looked into for any purpose. Therefore, the evidence of P.Ws.2 to 10 is of no avail to the petitioners to establish that the business is a family business and the 2nd petitioner continued the business of her husband. Hence, the evidence whatsoever adduced by the petitioners by examining P.Ws.2 to 10 will not form basis for ordering eviction on the ground of *bona fide* requirement, consequently, the eviction cannot be ordered based on the requirement of the premises by the 2nd petitioner to carry on cloth business after death of her husband, since, the pleading was not amended though oral evidence is available on record by examining the petitioner No.2 herself as P.W.10.

21. Truth is the foundation of justice. It must be the endeavour of all the judicial officers and judges to ascertain truth in every matter and no stone should be left unturned in achieving this object. Courts must give greater emphasis on the veracity of pleadings and documents in order to ascertain the truth. Pleadings are the foundation of litigation. In

pleadings, only the necessary and relevant material must be included and unnecessary and irrelevant material must be excluded.

22. After enactment of CPC, much greater emphasis is given to the pleadings in various countries including in our country. Therefore, the Court has to ascertain truth based on the pleadings and the Court cannot travel beyond pleadings as held by Hon'ble Supreme Court in **Maria Margarida Sequeria Fernandes and Ors. Vs. Erasmo Jack de Sequeria (Dead) through L.Rs**^[8] and **A.Shanmugan Vs. Ariya Kshitriya Rajakula Vamsathu Mandalya Nandanavanam Paripalana Sangham**^[9]. In view of principles laid down in the above judgments, the pleadings are of utmost importance to find out truth or otherwise in a case before the Court. But, in the present case, there is absolutely no pleading that the 2nd petitioner required the premises for her *bona fide* occupation to continue the business after death of her husband. But, she adduced evidence without any factual foundation in the pleadings. Therefore, the same cannot be taken into consideration to order eviction of the respondent.

23. The main endeavour of the petitioners is that the date of filing the eviction petition is the basis to determine the *bona fide* requirement of the premises and placed reliance on a judgment reported in **Sait Nagjee's case (1 supra)**, wherein the Hon'ble Apex Court held that based on date of filing of eviction petition, the *bona fide* requirement of landlord is to be adjudged and subsequent events like engaging in other activities or business for which the premises in question are required during pendency of eviction proceedings, needs no consideration. Normally, the Rule is that rights and obligations of the parties are to be determined on the date of petition and subsequent events can be taken into consideration for moulding relief, provided such events are of such a nature and dimension as to completely eclipse the need and make it lose significance altogether. Process of litigation cannot be made the basis for denying landlord relief while litigation at last reaches the final stages.

Therefore, death of landlord during pendency of the eviction petition is of no consideration consequence.

In the facts of above judgment, the trial Court passed eviction order for eviction of the tenant and the matter went up to Hon'ble Supreme Court, but during pendency of the proceedings the landlord died. In such a case, the day to determine the *bona fide* requirement is the date of filing of eviction petition.

24. In **Jai Prakash Gupta's case (2 supra)**, the Hon'ble Supreme Court held that the original landlord started eviction proceedings on the ground that his son, who was a Chartered Accountant, needed accommodation for his practice. By the time the matter reached the Supreme Court, 15 years had passed and the original landlord and his wife had expired but at the same time, the present appellant's own family had become larger with two grown-up sons and a daughter. Besides, the appellant had also acquired additional space behind the disputed premises for which eviction proceedings were started. In such circumstances, the *bona fide* requirement as on the date of eviction petition alone is decisive and death of original landlord will not preclude from making an order for eviction and the subsequent event can be taken cognizance by the Courts.

25. Similarly, in **Raghunath G.Sundarji's case (3 supra)**, the Hon'ble Supreme Court held that landlord need not have actually lost his existing job, nor resigned it, nor reached a level of starvation to justify getting possession of the suit premises in order to establish a business, starting of some other temporary business to meet both ends is not an impediment to seek possession of own non-residential premises. Further it is not necessary for landlord to prove that he had money to invest in the new business contemplated, nor that he had experience of it.

On the strength of above three judgments, it is contended that the *bona fide* requirement of the premises is still subsisting as the date of filing of eviction petition, is relevant for deciding the *bona fide* requirement

of the landlord.

26. The legal position laid down by the Hon'ble Supreme Court is not in quarrel. No doubt, if the Rent Controller believed the requirement and passed order, the subsequent event of death of the original landlord will not take away the right that accrued as on the date of filing of petition i.e., *bona fide* requirement of premises of the landlord.

27. The Apex Court in **JOGINDER PAL V. NAVAL KISHORE BEHAL**^[10], wherein the Apex Court held as follows:

“The Rent Control Legislations are heavily loaded in favour of the tenants treating them as weaker sections of the society requiring legislative protection against exploitation and unscrupulous devices of greedy landlords. The Legislative intent has to be respected by the Courts while interpreting the laws. But it is being uncharitable to Legislatures if they are attributed with an intention that they lean only in favour of the tenants and while being fair to the tenants go to the extent of being unfair to the landlords. The Legislature is fair to the tenants and to the landlords both. The Courts have to adopt a reasonable and balanced approach while interpreting Rent Control Legislations starting with an assumption that an equal treatment has been meted out to both the sections of the society. In spite of the overall balance tilting in favour of the tenants. While interpreting such of the provisions as take care of the interest of landlord the Court should not hesitate in leaning in favour of the landlords. Such provisions are engrafted in rent control legislations to take care of those situations where the landlord too are weak and feeble and feel humble.....”

In the facts of above judgments, the landlord required the premises for his own use. The word ‘own use’ must be interpreted in its wider sense, liberally and practically and meaning is to be given to such word. The requirement of premises by the landlord for the Office of his son, who is a Chartered Accountant residing with the landlord, is a *bona fide* requirement.

28. In **Shakuntala Bai and others V. Narayan Das and others**^[11] while deciding the Rent Application under Madhya Pradesh

Accommodation Control Act, 1961 held that when fair decree was passed on the ground of *bona fide* requirement, original landlord died during pendency of the appeal by the tenant and the High Court allowed the petition on the ground that on the death of landlord the *bona fide* requirement ceases to exist and tenant can take advantage of death of the landlord. But, the Hon'ble Supreme Court held that the suit for eviction validly instituted cannot be dismissed on the ground of death of landlord pending appeal. In the facts of above judgment, an eviction order was passed against tenant taking into consideration the date of *bona fide* requirement is the date of institution of eviction petition. The same principle is laid down in **Gaya Prasad V. Pradeep Srivastava**^[12], wherein the Hon'ble Apex Court held that the crucial date for deciding as to the *bona fides* of requirement of landlord is the date of his application for eviction.

29. In view of legal position referred to above in all the judgments is that the date of institution of eviction petition is decisive to determine the *bona fide* requirement of the landlord.

30. On the contrary, the Apex Court in **Sri Raja Lakshmi Dyeing Works V. Rangaswamy Chettiar**^[13], held that a concurrent finding based on evidence that the landlord did not *bona fide* require the premises for his own use and occupation is not a finding which can be touched by the High Court exercising jurisdiction under Section 25 of the Act. In such a case, merely to hold that a question is a mixed question of fact and law is not sufficient to warrant the exercise of re-visional power.

31. In **Ram Das V. Ishwar Chander and others**^[14], the Hon'ble Apex Court held that the jurisdiction of the High Court is much wider jurisdiction and enables the Court of revision, in appropriate cases, to examine the correctness of the findings of fact also though the revisional Court is not a second court of first appeal. In the same judgment the Hon'ble Apex Court in para 9 held that subsequent event of acquisition of building in the

name of one of the landlords will not tilt the balance as order of eviction was superable on the basis of any of the other co-owner. Thus in view of the judgment of the Hon'ble Apex Court subsequent event of acquisition of any premises by wife of the landlord is not a ground to deny the eviction of their tenant on the ground of *bona fide* requirement.

32. Later in **Seshambal (dead) v. M/s. Chelur Corporation, Chelur Building & others** ^[15], the Hon'ble Apex Court took a different view and held at para 19 of the said judgment that on the death of the petitioners in the original eviction petition their right to seek eviction on the ground of personal requirement for the demised premises become extinct and no order could on the basis of any such requirement be passed at this point of time.

33. The Apex Court reviewed entire law on the extension of *bona fide* requirement on account of death of landlord during pendency of the proceedings.

34. In the facts of above judgment, all the Courts from rent control to revisional Court dismissed the eviction petition disbelieving the *bona fide* requirement, if any, on account of death of original landlord.

35. Coming to the facts of the case, the landlord specially pleaded in para No.4 of the Rent Control Petition that the premises is required for himself. But, the Rent controller and appellate Court did not believe the ground of *bona fide* requirement holding that it is not genuine requirement and dismissed the petition. But, this Court in its order, dated 28.02.2005 believed the *bona fide* requirement while disbelieving the wilful default and ordered eviction of the tenant. If this case is examined strictly within the limits and adhering to the law laid down by the Hon'ble Apex Court in **Seshambal's** case referred to above, the *bona fide* requirement of the landlord is ceased to exist as on the date of death of original landlord and the 1st petitioner herein, as he claimed eviction of the tenant/respondent only on the ground that he require the premises for his own occupation to

carry on cloth business.

36. The Hon'ble Apex Court while remanding the matter to this Court to decide the same as per judgment in **Hindustan Petroleum Corporation Limited V. Dil Bahar Singh** ^[16], which dealt with the powers of revisional Court and that the revisional Court can interfere with the order of the appellate authority and rent controller court, if the order is found illegal, irregular and examination of the evidence by the High Court in revisional jurisdiction is confined to find out that finding recorded by both Courts are in accordance with law and did not suffer from any error of law, court need not disturb the fact findings recorded by both Courts below. But if the findings recorded by the Courts below are perverse or suffers from any such illegality which amounts to miscarriage of justice, this Court can set aside the same while exercising the power under Section 22 of the Act. There is no quarrel about the law declared by the Apex Court in **Hindustan Petroleum Corporation's case**.

37. In view of the direction issued by this Court, I shall now examine the *bona fide* requirement as on the date of institution of proceedings before the rent controller, as the date of institution is decisive as held by the Apex Court in various judgments referred to supra. As seen from the pleadings in para No.4 of the Rent Control Petition, the premises is required by the 1st petitioner/landlord himself for carrying cloth business for himself and evidence was adduced in support of his requirement. However, the trial Court, appellate Court and revisional Court did not believe the requirement of the landlord as genuine and the revisional Court remanded the matter to the appellate Court. But, curiously the 1st petitioner examined P.W.2 to 10 to establish that the 2nd petitioner is also carrying on business of sale of cloth and required the premises for her occupation which is contrary to the pleadings on the face of it. It is evident from record that the petitioners are changing the requirement of the premises from time to time without any pleading, and the evidence whatever adduced by him as to the requirement of 1st petitioner/landlord

or the 2nd petitioner wife of the 1st petitioner, cannot be looked into. On the other hand, the documents marked as Ex.A.1 to A.17 which are only bills from 29.12.1992 are filed to establish that the original petitioner carrying on business. On close scrutiny of bills, the trial Court and the appellate Court disbelieved those bills, observing that those bills are created for the purpose of eviction petition filed under the Act. The oral evidence of P.Ws.2 to 10 is of little assistance to prove the *bona fide* requirement of the petitioner. When no order was passed by both trial Court and appellate Court for eviction of the respondent from the schedule premises, the principle laid down in the judgments relied on by the counsel for the petitioner have no reliance and on the strength of such principle, the contention that the date of filing of eviction petition is decisive to decide the *bona fide* requirement cannot be accepted since those decisions dealt with the situation where the eviction order was passed by the trial Court on death of landlord during pendency of the proceedings in appellate Court and the revisional Court. But, in the present case, no eviction order was passed by trial Court as well as the appellate Court. Even, otherwise the 2nd petitioner failed to establish their requirement of schedule premises as *bona fide* and her requirement not even pleaded at any time in the petition. Hence, by applying the principle laid down by the Hon'ble Apex Court in **Hindustan Petroleum Corporation's case** referred to supra, the requirement of schedule premises by the 1st petitioner is not genuine.

38. One of the contentions of the respondent is that during pendency of the eviction petition certain other mulgies belonging to the 1st petitioner adjacent to the petition schedule were vacated by the tenants in occupation, and one mulgi was let out to other tenant on higher rate of rent. This fact is not in dispute. But, it is only one of the considerations to determine the *bona fide* requirement of the premises by the petitioners.

39. Learned counsel for the revision petitioners drawn the attention of this Court to a judgment reported in **Savitri Sahay V. Sachidanand**

Prasad^[17], wherein it is held that it is for the landlord to choose a suitable premises, and vacating the other premises belonging to the landlord during pendency of the eviction petition is not a ground to deny the eviction of the tenant. Similarly, in **Garapati Venkata Sitaramachandra Prasad V. Nayani Chalapathi Rao**^[18], this Court held that possessing more than one building in the city, town or village and the landlord being in occupation of one of such buildings, is not a ground to deny the eviction of the defendant on the ground of bona fide requirement. In view of law declared by the Hon'ble Apex Court and other Courts, it is for the landlord to choose suitable premises to carry on his business and the tenant cannot dictate the terms to the landlord to occupy a particular premises, which fell vacant during eviction proceedings. On this ground, the eviction petition cannot be dismissed. Therefore, I find no substance in the contention of counsel for the respondent that petitioner landlord failed to occupy the premises, which fell vacant during eviction proceedings, this itself is sufficient to disbelieve the bona fides, is not accepted. However, in view of law declared by **Hindustan Petroleum Corporation's case** and **M/s. Seshambal's case** due to death of landlord the *bona fide* requirement of premises by the landlord ceases to exist. Even otherwise the material evidence on record is not sufficient to prove the claim of *bona fide* requirement of the landlord to evict the tenant in occupation.

40. One of the contentions of learned counsel for the petitioners is that the suit premises was let-out on rent to the respondent/tenant for the last thirty years on payment of meagre amount. But this is not a ground to order eviction and if the landlord is not satisfied with the rent being paid by the tenant, he is at liberty to file petition under Section 4 of the Rent Control Act for fixing fair rent.

41. In view of my foregoing discussion, I find no merit in the revision petition warranting interference of this Court and hence, the findings of the rent controller as well as the appellate court are hereby confirmed and

consequently, the revision petition is liable to be dismissed.

42. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this revision petition shall stand closed.

M.SATYANARAYANA MURTHY, J

AUGUST 01, 2016

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THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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 - [\[2\]](#) (2002) 8 Supreme Court Cases 765
 - [\[3\]](#) (2009) 10 Supreme Court Cases 197
 - [\[4\]](#) (1999) 8 Supreme Court Cases 1
 - [\[5\]](#) 1981 (1) APLJ 260
 - [\[6\]](#) 2014 (9) Scale 657
 - [\[7\]](#) AIR 2012 SC 1727
 - [\[8\]](#) AIR 2012 SC 1727
 - [\[9\]](#) AIR 2012 SC 2010
 - [\[10\]](#) AIR 2002 Supreme Court 2256
 - [\[11\]](#) 2004 (4) ALD 88 (SC)
 - [\[12\]](#) 2001 (2) SCC 604
 - [\[13\]](#) AIR 1980 SC 1253
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 - [\[16\]](#) (2014) 9 Supreme Court Cases 78
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 - [\[18\]](#) 1981 (1) APLJ 260