

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.5043 of 2015

ORDER:

This revision is preferred by the tenant, under Section 22 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960.

The petitioner herein is a tenant of non-residential premises, used by him for carrying on his business as a dealer in kerosene. The respondents who succeeded to the property upon the death of the original owner M.Ramesh, who is none other than the husband of the 1st respondent and the father of other respondents sought for eviction on several grounds including willful default in payment of rent by the petitioner herein. The petitioner herein who was examined as RW.1, during his cross-examination has admitted to have tendered a cheque dated 18.11.2009 drawn in a sum of Rs.93,000/- and delivered it to the respondents herein. Since the monthly rent is Rs.3,000/-, the cheque drawn in a sum of Rs.93,000/- represented arrears of rent for 31 months. Thus, the petitioner herein had to necessarily concede that he paid the monthly rent for such a long period of 31 months at one go. This apart, Exs.P6 and P7 would demonstrate the irregular tendering of rent. Thus, both courts have returned a finding of fact upon a proper and careful appreciation of evidence that the petitioner herein has committed willful default in tendering rent. In that view of the matter, order of eviction has been passed by both the Courts against the petitioner.

A tenant who commits a breach of the obligation to tender monthly rent and when he does so deliberately and purposefully, he cannot be extended a sympathetic consideration by the Courts. In that view of the matter, I do not see any reason much less a justifiable reason for admitting this revision. However, learned counsel for the petitioner would urge a reasonable period of time may be granted for

vacating the schedule premises. It is submitted that before a change is effected in the business premises, the petitioner has to secure prior clearance from not only the Civil Supplies Department, but also from various other departments inclusive of Explosives Department. Hence, I consider that grant a period of 3 months for vacating the premises is a fair and reasonable proposition. Therefore, I grant time to the petitioner up to 30.04.2016 for quietly vacating and delivering the vacant possession without causing any damage or loss to the premises in question in any manner. Further, the petitioner shall execute a necessary undertaking to the above fact and file the same before the executing court which is considering E.P.No.281 of 2015. The petitioner shall continue to deposit the monthly rental before the end of each month.

With this, this revision is disposed of.

Consequently, miscellaneous petitions, if any pending shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

07.01.2016
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