

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

C.R.P. No.1566 of 2016

Between:
Mohd. Rasheed
... Petitioner

And
Mr.P.L.Pretesh and another
... Respondents

JUDGMENT PRONOUNCED ON 11.04.2016

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THE HON'BLE SRI JUSTICE G. CHANDRAIAH

- 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? :
- 2. Whether the copies of judgment may be marked to Law Reporters/Journals. :
- 3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? :

THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

C.R.P. No.1566 of 2016

ORDER:

This revision petition has been filed aggrieved by the order dated 25.01.2016 passed in R.A. No.43 of 2015 by the Additional Chief Judge, City Small Causes Court at Hyderabad wherein and whereby confirmed the order of eviction dated 29.12.2014 passed against the revision petitioner herein by the trial Court in R.C. No.75 of 2013 on the file of the Principal Rent Controller cum 17th Junior Civil Judge, Secunderabad.

Brief facts of the case are that there is no dispute with regard to the relationship between the parties that the revision petitioner and the respondents herein are the tenant and the landlords, respectively.

Initially, the landlords filed R.C. No.75 of 2013 before the Principal Rent Controller cum 17th Junior Civil Judge, Secunderabad on the ground of *bona fide* requirement and the learned Rent Controller Court vide its order dated 29.12.2014 allowed the petition directing the tenant to vacate and handover the vacant possession of the petition schedule property bearing No.6-3-195/4 to the landlords, within two months from the date of the order, failing which, liberty was given to the landlords to evict the tenant through due process of law. Aggrieved by the same, the tenant preferred an appeal in R.A. No.43 of 2015 before the Additional Chief Judge, City Small Causes Court at Hyderabad and the appellate Court vide its impugned order dated 25.01.2016 while confirming the order of the trial Court granted two months time to vacate and handover the vacant possession to the landlords within two months from the date of its order. Assailing the same, the tenant filed the present revision petition.

This Court on 23.03.2016, while ordering notice before admission, passed the following order, which reads as under.

“The unsuccessful tenant before both the courts below, is the revision petitioner. On the ground of bona fide requirement, the courts below have ordered for eviction of the petitioner. On a perusal of the impugned judgment, this court is not inclined to interfere with the concurrent findings of fact recorded by both the courts below.

However, having regard to the facts and circumstances, as the petitioner is said to be running a Kirana shop in the suit premises, I am inclined to grant some time to the learned counsel for the petitioner to get instructions as to the time required by the petitioner for vacating the suit premises.

Status quo obtaining as on today with regard to possession over the suit schedule property shall be maintained for a period of two weeks from today.

Post next week.”

From the above, it is clear that after hearing the learned counsel for the petitioner this Court was not inclined to interfere with the concurrent findings of fact recorded by both the Courts below and granted some time to the learned counsel for the petitioner to get instructions from his client as to what is the time he is required to vacate the premises in question.

Today, when the matter has been taken up for hearing, the learned counsel for the petitioner wanted to contest the matter based on the judgment reported in **SOKAL CHAND BABULAL Vs. AKULA VENKATA RAJAGOPALA RAO**^[1].

After going through the said judgment, this Court is of the view that the judgment supra is not applicable to the present case as the facts and circumstances therein are different to that of the facts and circumstances of the instant case. Eventually, the learned counsel for the petitioner sought to submit that as the tenant is running a Kirana shop in the premises in question he required one year time to vacate the premises in question for which, the learned counsel for the landlords made a strong oppose to grant that time and he finally agreed to grant three more months.

Since the learned counsel for the tenant came to a conclusion to vacate the premises in question, now the issue is only that what is the time to be granted to the tenant to vacate the premises in question.

Having regard to the facts and circumstances of the case and the submissions made by the learned counsel on either side, it is not in dispute that the tenant is running a Kirana shop in the premises in question, therefore, I am of the view that six months time is sufficient to shift his business to some other suitable place.

Accordingly, this revision petition is disposed of granting six months time, from the date of receipt of a copy of this order, to the tenant to vacate the premises in question. Further, the tenant is directed to file an affidavit to that effect before the Court below.

As a sequel, miscellaneous petitions, if any, stands closed.
There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 11.04.2016
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^[1] ANDHRA PRADESH LAW JOURNAL 1982 (1) (HC) 215