

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.410 OF 2016

DATED:29-01-2016

Between:

Pasupulati Narayana Rao ... Petitioner

And

Somesetty Satish Kumar ... Respondent

COUNSEL FOR THE PETITIONER: Mr. G. Vasantha Rayudu

COUNSEL FOR THE RESPONDENTS: Mr. Raja Reddy Koneti

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition arises out of order and decree dt.14.08.2015 in R.C.A. No.5 of 2014, on the file of the Rent Control Appellate Authority-cum- Principal Senior Civil Judge, Guntur, whereby he has confirmed order dt.23.04.2014 in R.C.C. No.43 of 2011, on the file of the Rent Controller-cum-Principal Junior Civil Judge, Guntur.

I have heard Mr. G. Vasantha Rayudu, learned counsel for the petitioner, and Mr. Raja Reddy Koneti, learned counsel for the respondent.

The respondent, who has purchased the demised premises from its original owner with the tenancy attorned in his favour, filed R.C.C. No.43 of 2011 for eviction of the petitioner on the grounds of bona fide requirement and wilful default. After the full-fledged trial, the Rent Controller has accepted the plea of the respondent based on oral and documentary evidence, and ordered the petitioner's eviction by granting him two months' time for vacating the demised premises. Feeling aggrieved by the said order, the petitioner filed R.C.A. No.5 of 2014, which was dismissed by order dt.14.8.2015 by the Rent Control Appellate Authority. While doing so, the appellate authority has directed the petitioner to vacate the demised premises and deliver possession of the same within one month.

On a careful consideration of the reasons assigned by both the Courts below based on oral and documentary evidence, I do not find any illegality or jurisdictional error warranting interference with the concurrent findings rendered by the Courts below. Learned counsel for the petitioner submitted that as the demised premises is being used for running a business, a period of six months may be allowed to the petitioner for vacating the premises. The learned counsel for the respondent submitted that the petitioner has stopped paying rents for the last four years, which fact is not disputed by the learned counsel for the petitioner. Besides non-payment of the rents, the petitioner was allowed to remain in possession of the property for nearly twenty-one months after passing of the eviction order by the Rent Controller.

Having regard to the conduct of the petitioner in not paying the admitted rent for four years, and the fact that he has enjoyed possession of the premises for a substantial time after suffering the order of eviction, I am not inclined to grant more than two months' time for him to vacate the premises subject to his depositing the entire arrears of rent to the credit of R.C.No.43 of 2011 on the file of the Rent Controller, Guntur, within two weeks from today. Further, the petitioner shall file an unconditional undertaking before the Rent Controller to the effect that he will vacate and handover possession of the vacant premises within two months from today.

The civil revision petition is accordingly dismissed by permitting the petitioner to remain in possession for a period of two months from today subject to the aforementioned two conditions. If the petitioner fails to comply with either of the two conditions stipulated above, the respondent shall be free to execute the decree of eviction.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.504 of 2016 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

29-01-2016

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