

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

CIVIL REVISION PETITION NO.1326 OF 2016

DATED:18-03-2016

Between:

Viswanadhapalli Kesava Rao ... Petitioner

And

B. Ruthamma
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. G. Eswaraiah, for Mr. Md.
Saleem

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition arises out of order dt.13.10.2015 in R.C.A. No.20 of 2013, on the file of the Rent Control Appellate Authority-cum-Principal Senior Civil Judge, Guntur, whereby he has confirmed the order dt.29.6.2013 in R.C.C. No.12 of 2012, on the file of the Rent Controller-cum-Principal Junior Civil Judge, Guntur.

I have heard the learned counsel for the petitioner and perused the record.

The respondents, who are the natives of Guntur Town and have retired from service, filed the above mentioned R.C.C. against the petitioner – tenant for vacation of the house on the ground of bona fide requirement. They have pleaded that after the retirement from service, they wanted to settle down in Guntur and being aged persons they will not be in a position to climb up stairs to go to first floor portion of the building. The petitioner has filed a counter affidavit denying the plea of the bona fide requirement advanced by the respondents. Having regard to the rival contentions of the parties, the learned Rent Controller has framed the following point for consideration.

“Whether the petitioners are entitled for recovery of possession from the respondent for their own occupation in accordance with the provisions of Section 10(3) of Act, 1960?”

In support of their plea, the respondents have examined themselves as P.Ws.2 and 1 respectively and marked Exs.A.1 and A.2. On behalf of the petitioner, he has examined himself as R.W.1 and also examined R.Ws.2 and 3. On appreciation of the oral and documentary evidence, the learned Rent Controller has allowed the R.C.C. holding that the respondents require the premises bona fide. Feeling aggrieved thereby, the petitioner has filed R.C.A. No.20 of

2013, which was dismissed by the above mentioned order.

At the hearing, the learned counsel appearing for the petitioner contended that the respondents failed to prove the bona fide requirement. However, the learned counsel has not disputed the fact that both the respondents have retired from employment and that they are natives of Guntur Town. In these undisputed facts, both the Courts below have concluded that the respondents require the demised premises for their own occupation and accordingly ordered eviction of the petitioner. On a careful reading of the reasons assigned by both the Courts below, I am satisfied that they are not only cogent, but also convincing. Having regard to these findings on facts, this Court does not find any ground for interference in exercise of its revisional jurisdiction. However, having regard to the fact that the petitioner is in occupation of the premises for a long time, and considering that the lower appellate Court has granted three months' time for vacating the premises, which has already expired, the petitioner is granted one month time from today for vacating the premises.

With the above observations and directions the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.1681 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

18-03-2016

bnr