

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.1846 OF 2017

ORDER:

The civil revision petition is filed challenging the order dated 28.02.2017, passed by the Principal Senior Civil Judge, Nellore in R.C.A.No.19 of 2011, confirming the order dated 19.09.2011 of the Rent Controller-cum-Principal Junior civil Judge, Nellore in R.C.C.No.17 of 2008.

Heard Sri C. Subodh learned counsel for the petitioner and Sri P. Ganga Rami Reddy, learned counsel for the respondent.

It is not necessary for this Court to record all the grounds on which the Rent Control Case came to be allowed. Suffice it to say that the R.C.C. No.17 of 2008, was filed by the landlord raising various grounds and the same came to be allowed by a reasoned order. Aggrieved thereby, the respondent/tenant filed an appeal in R.C.A.No.19 of 2011, before the Principal Senior Civil Judge, Nellore, and after its full trial, the Senior Civil Judge disposed of the same by the impugned order. Questioning the same, the present civil revision petition is filed.

Except extracting the grounds of appeal and extracting the provision of Section 11 of Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960, there is absolutely no discussion with respect to any of the grounds raised either by the appellant or by the respondent. The entire discussion of the learned Judge in the impugned order is in para No.9, which reads as under:

“A perusal of the total RCC record and the appeal grounds and on hearing both side counsels, this Court does not find any illegality or irregularity either in law or on facts in the Order of the lower court dated 19.09.2011 in

R.C.C.No.17 of 2008, passed by the Rent Controller-cum-Principal Junior Civil Judge, Nellore and thereby it needs no interference in this appeal.”

This is very unfortunate a Senior Civil Judge passing of an order of this nature is despicable. In the circumstances, the impugned order is liable to be set aside.

Accordingly, the civil revision petition is allowed setting aside the order dated 28.02.2017, passed by the Principal Senior Civil Judge, Nellore, and remanding the matter back to the Principal Senior Civil Judge, Nellore, for fresh disposal of the R.C.A.No.19 of 2011, after hearing both sides, in accordance with law, within a period of three months from the date of receipt of copy of the order. However, it is made clear that pending disposal of the R.C.A.No.19 of 2011, the appellant/tenant shall clear all the arrears of rent due and further continue to pay the agreed rent on every month to the respondent/landlord. No order as to costs. Miscellaneous Petitions, if any, in this civil revision petition shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date:07.04.2017,
Gk.

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



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