

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.2184 OF 2017

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dated 09.03.2017 in I.A.No.304 of 2016 in R.C.No.372 of 2011 on the file of the IV Additional Rent Controller, City Small Causes Court at Hyderabad.

2. The contention of the learned counsel for the petitioner is two fold: (1) the learned Rent Controller dismissed the interlocutory application without taking into consideration the relevant facts; and (2) the order passed by the learned Rent Controller is not sustainable either on facts or in law.

3. It is the case of the petitioner that she is the owner of the house bearing No.17-3-538, Bada Bazar, Yakutpura, Hyderabad. The petitioner let out the petition schedule property to the first respondent on 18.09.1995. As per the terms and conditions of the rental agreement, dated 18.09.1995, initially the rent was Rs.300/- and subsequently, the same was enhanced to Rs.700/-. It is the further case of the petitioner that the respondents committed willful default in payment of arrears of rent and also ceased to occupy the petition schedule property. The petitioner having no other alternative, filed R.C.No.372 of 2011, against the respondents, on the file of the IV Additional Rent Controller, City Small Causes Court at Hyderabad, under Sections 10(2)(i) and 10(2)(v) of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short, 'the Act'). The respondents filed counter

opposing the claim of the petitioner. The matter was posted 'for arguments', after completion of the evidence on both sides. At that stage, the petitioner filed I.A.No.304 of 2016 in R.C.No.372 of 2011, under Section 25 of the Act, to summon the officials of Quli Qutub Shah Urban Development Authority (for short, 'QQSUDA') to establish that the premises bearing No.17-3-534, situated at Yakutpura, Bada Bazar, Hyderabad, was acquired by the Government for the purpose of road widening. The learned Rent Controller, after affording a reasonable opportunity to both parties, dismissed the said petition. Hence, the revision.

4. The question that arises for consideration in this revision is whether the order passed by the Rent Control Court is sustainable either on facts or in law?

5. The petitioner filed R.C.No.372 of 2011 against the respondents in respect of house bearing No.17-3-538. The petitioner filed the present petition to issue summons to the officials of QQSUDA to establish that the house bearing No.17-3-534 was acquired by the Government for the purpose of road widening. It is not in dispute that the premises bearing No. 17-3-534 is not the subject matter of R.C.No.372 of 2011. In order to succeed, the petitioner has to establish that she is the owner of the house bearing No.17-3-538 and the respondents committed default in payment of agreed monthly rent and also ceased to occupy the premises in question. In order to establish the above said facts, there is no necessity to call for the officials of QQSUDA. It is not out of place to extract hereunder the relevant portion of the impugned order:

“As seen from the affidavit appended to the Interlocutory Application, as the respondents are disputing their possession of the petition schedule property, the landlady is seeking to summon the officials of the Quli Qutub Shah Urban Development Authority. The Officials of the Quli Qutub Shah Urban Development Authority are not proper persons to depose about the possession of the respondents of H.No.17-3-534 or 17-3-538 properties. The petitioner has to stand on her own feet to produce evidence of the respondents’ occupation of the petition schedule property if at all she wants for their eviction.”

A perusal of the above para clearly reveals that the Rent Control Court considered the issue involved in this case in right perspective and dismissed the petition by assigning cogent and valid reasons. I am fully agreeing with the findings recorded by the Rent Control Court. There is no illegality or irregularity in the order of the Rent Control Court, which warrants interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India.

6. Accordingly, the Civil Revision Petition is dismissed at the admission stage. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 26.04.2017
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