

HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.2140 OF 2017

ORDER:

The present civil revision petition is filed by the petitioner challenging order, dated 20.03.2017, passed in RCA No.1 of 2016 by the Senior Civil Judge, Ramachandrapuram, East Godvari District, wherein the learned Senior Civil Judge, dismissed the RCA by confirming the order, dated 02.06.2016, passed in R.C. No.1 of 2009 by the Rent Controller under AP Rent Control Act-cum-Junior Civil Judge, Anaparthi, East Godavari District.

Heard and perused the material available on record.

The case in brief is that the respondent is the owner of the petition schedule property and the father of the revision petitioner took the said premises for rent from the husband of the respondent in the year 1987 on a monthly rent of Rs.200/- . The husband of the respondent died in the year 1994. The rent was enhanced from time to time and now the rent is Rs.550/- per month. After his retirement, the father of the petitioner went to his village and settled there. But, the petition schedule premises was not handed over to the respondent and the petitioner alone is residing in the said house without his family, as there are some disputes with his wife. The petitioner is not paying the rent to the respondent and he is not maintaining the house properly. The respondent through her son requested the petitioner to hand over the possession of the said house as they require the same for performing their daughter's marriage. The petitioner accepted for the same and on the other hand, filed O.S. No.711 of 2007 on the file of the Principal Junior Civil Judge, Ramachandrapuram, for grant of permanent

injunction with false and frivolous allegations. Therefore, the respondent filed Rent Control Case No.1 of 2016 before the Rent Controller under AP Rent Control Act cum Junior Civil Judge, Anaparthi, for eviction of the petitioner.

The petitioner filed a detailed counter in the said RCC denying the allegations of the respondent. During the course of trial, the respondent examined PWs.1 to 4 and got marked Exs.A-1 to A-6. On the other hand, the petitioner examined RW.1 and no documents were marked by the petitioner.

After considering the evidence adduced by both the parties, the learned Rent Controller allowed the RCC and gave two months time to the petitioner to vacate the said shop, by observing as follows:

“... the petitioner successfully proved there exist a dural relationship between petitioner and respondent and this respondent became willful defaulter in payment of rents and she requires the petition schedule property for her bonafide requirement. On contra respondent utterly failed to disprove the contention of the petitioner.”

Challenging the above, the petitioner filed RCA No.1 of 2017 before the Senior Civil Judge, Ramachandrapuram. The learned Senior Civil Judge, dismissed the appeal confirming the order of the Rent Controller-cum-Junior Civil Judge, vide order impugned. Against the said order, the present revision is filed.

When the matter came up for hearing on 07.06.2017, this Court, after perusing the entire record, more particularly, the orders of both the Courts below, expressed its opinion that this Court was not inclined to accept the contentions of the petitioner and is not inclined to interfere with the concurrent findings of both the Courts below, and

directed the petitioner to vacate the premises and hand over the possession of the same to the respondent.

At that stage, learned counsel for the petitioner submitted that the petitioner is ready to vacate the subject premises, and that six months time may be given to him to get another accommodation. Then, this Court directed the petitioner to file an undertaking in the form of an affidavit, by the next date of hearing. Today, when the matter is taken up, the petitioner filed an undertaking in the form of an affidavit, stating that he will vacate the premises within six months i.e., by 07.12.2017.

Recording the same, the Civil Revision Petition is disposed of directing the petitioner to vacate and handover the possession of the petition schedule premises to the respondent on or before 07.12.2017, as per the undertaking given by him.

No order as to costs. Consequently, miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 21, 2017.
KTL



