

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 1774 OF 2017

ORDER:

The Order dated 13.02.2017 in R.C.A. No. 1 of 2015 on the file of the Principal Senior Civil Judge's Court at Nellore affirming the Order dated 16.02.2015 in R.C.C. No. 2 of 2012 on the file of the Rent Controller-cum-Principal Junior Civil Judge's Court at Nellore, is challenged in this Revision.

The respondent - landlady filed R.C.C. No. 2 of 2012 seeking to evict the petitioners - tenants on the ground that 1) they had denied the title of the respondent - landlady; 2) there is a *bona fide* requirement of the subject premises; and 3) there is willful default in payment of rents. The learned Rent Controller, on appreciation of the evidence placed on record, while accepting the ground of *bona fide* requirement, categorically found that there was no willful default on the part of the tenants and denial of title of the respondent landlady. The said R.C.C. was allowed on 16.02.2015 directing the tenants to vacate the petition schedule property within three months from the date of the said Order. The Appeal filed thereagainst has been dismissed by the Appellate Court holding that there are no merits in the Appeal.

Learned counsel for the petitioners Sri G. Venkateswarlu submits that the Order of the Appellate Court is bereft of any reasons. He urges that in the facts and circumstances of the case, the matter may be remanded so as to enable the Appellate Court to consider the case of the petitioners afresh.

Sri Ganga Rami Reddy, learned counsel appearing for the respondent - landlady supports the Order of the Appellate Court and submits that there being no additional material placed before

the Appellate Court by the tenants, the reasoning given by the trial Court has been affirmed. In those circumstances, he submits that the requirement of giving detailed reasons is not necessary as, in the case on hand, the only ground on which the eviction of the tenants has been ordered is the *bona fide* requirement of the landlady.

Having considered the respective submissions, at the outset, it may be noted that the Order of the Appellate Court could have been little more elaborate. However, the question, in the facts of the present case, is whether there is any reason or ground for this Court to set aside the Order of the Appellate Court in exercise of the revisionary powers under Article 227 of the Constitution of India.

A perusal of the Order dated 16.02.2015 discloses that the trial Court fairly and in a legal manner, had considered the material on record and rightly found that the petitioners were not in default of payment of the monthly rents as, admittedly, they deposited the rents to the credit of R.C.C. No. 10 of 2016, which is pending before the Court. Likewise, considering the suit pending between the petitioners and the father of the respondent landlady and considering the attachment pending the suit, the petitioners were under the *bona fide* belief that the respondent did not have title and in the circumstances, denial of title by the petitioners was found to be germane and was in order. However, the trial Court accepted the evidence placed before it, wherein it is stated that in the upstairs of the said premises, the father of the landlady is residing and on account of the growing needs of the family, the subject premises is required. Except contending, based on the marriage card, produced by the petitioners that the respondent is

not residing at Nellore, there is no other evidence produced by them before the Court and on the other hand, the landlady had adduced the evidence to the effect that her father and their family is residing in the upstairs. The learned Rent Controller also found that the petitioners have adequate vacant property which can be utilized by them. There is no dispute about any of these aspects. In these circumstances, the learned Rent Controller found that there was a *bona fide* requirement of the subject premises and thus accepting the same, ordered the eviction of the tenants.

The Appellate Court having perused the same and there being no other contra material before it to come to a definite conclusion, had affirmed the Order of the learned Rent Controller. In view of the concurrent findings recorded by both the Courts on the issue of *bona fide* requirement, this court does not find any infirmity. However, considering the request made by the learned counsel for the petitioners and considering the fact that the Order in R.C.C., which was filed in 2012, was made as far back as on 16.02.2015, to meet the interests of justice, four more months' time is granted to the petitioners to vacate the subject premises, subject to their continuing to pay the rent directly to the respondent landlady.

The Civil Revision Petition is disposed of with the above-said order. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

09th June 2017
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