

THE HON' BLE DR. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.6864 OF 2017

ORDER:

This revision is filed by the petitioner/ appellant/ respondent, aggrieved by the judgment dated 27.10.2017 in R.A.No.13 of 2015 passed by the Additional Chief Judge, City Small Causes Court, Hyderabad.

The 1st respondent/tenant among 12 respondents, who are his family members of R.C.No.454 of 2008 maintained against them by 4 petitioners/ owners, against the order of eviction passed on 05.12.2014, maintained R.A.No.13 of 2015 and went unsuccessful by dismissal order of the lower appellate Tribunal dated 27.10.2017 confirming the order of the Rent Controller in granting eviction within two months from the date of judgment, on the ground of willful and dishonest denial of title and change of user, impugning the same maintained the present revision by saying the other respondents to the eviction petition as respondents 5 to 15 are not necessary parties to the present revision but for the R.C. petitioners 1 to 4 as respondents 1 to 4 herein.

In the course of hearing, there is a consensus arrived also from the factum of no grounds for this Court to interfere with the concurrent finding for nothing shown devoid of merits or outcome of any perversity and not supported by reasons apart from the limitation on the power of the Court while sitting in revision, as laid down by the Constitution Bench of the Apex Court in

Hindustan Petroleum Corporation Limited v. Dil Bahar Singh¹ that the Court cannot go into re-appreciation of the facts but for in considering the correctness of finding to the limited extent to appreciate if any, to grant one year time from today to vacate the premises on or before 31.12.2018 and to pay towards use and occupation charges from now Rs.3,500/- p.m. to pay regularly.

The same is recorded on merits and from the understanding by disposal of the revision by confirming the order of eviction against the revision petitioner and the other respondents to R.C.No.454 of 2008. However, by granting one year time from now till end of December, 2018 to secure alternative accommodation and vacate by then and in the meantime to pay the use and occupation charges at Rs.3,500/- p.m. and in the event of failure to comply by vacating the premises, the landlord is entitled to execute. The undertaking of the tenant that he will not seek any further time is recorded.

Accordingly, the Civil Revision Petition is disposed of.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

DR. B. SIVA SANKARA RAO, J

Date: 08.12.2017
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¹ 2014 (9) SCC 78