

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.7028 of 2017

ORDER :

This revision is filed by the petitioner/tenant, aggrieved by the judgment and decree dated 24.10.2017 passed in R.A.No.237 of 2015, wherein the learned Additional Chief Judge, City Small Causes Court, Hyderabad, confirmed the order dated 02.11.2015 passed by the I Additional Rent Controller, Hyderabad, in R.C.No.163 of 2014.

2. Heard both sides before admission and perused the grounds urged in the revision and the impugned order of the appellate Court dated 24.10.2017 in R.A.No.237 of 2015 and the order of the Rent Controller dated 02.11.2015 in R.C.No.163 of 2014.

3. The eviction petition in R.C.No.163 of 2014 is filed by the respondent herein, who is a land lady, widow and senior citizen aged about 65 years, on the ground of bonafide requirement and from the special ground referred supra of a widow and aged 65 years and also on the grounds of default in payment of rent and acts of waste etc.,

4. So far as the ground that under Section 10(c) of the A.P. Buildings (Lease, Rent and Eviction) Central Act, 1960 (Act 15 of 1960) (for short 'the Act') that the land lady is a senior citizen, aged about 65 years and a widow mentioned even in the cause title of the Rent Control Case not in dispute including from her evidence before the Court as PW.1 and there is also a concurrent finding regarding the bonafide requirement, which is also required to be make out even from Section 10(c) of the Act. Once such is the case and from the limited scope of revision as to the illegality, irregularity or impropriety of the order against it, the revisional Court can sit from the Constitution Bench expression of the Apex Court in Hindustan Petroleum Corporation Limited v. Dil Bahar Singh¹, the Court cannot re-appreciate the facts, but for, on showing any illegality or incorrectness or irregularity of the finding, in deciding the same, to the limited extent go into the facts.

5. Once such is the scope of the law limiting of the jurisdiction of the revisional Court, for this Court, on these two requirements on the concurrent findings of bonafide requirement that is also to be made out besides the special consideration under Section 10(c) of the Act of she is aged

¹ 2014 (9) SCC 78

about 65 years and a widow, she is entitled to eviction. Hence, there is nothing to interfere with the impugned order, but for, to give reasonable time to secure alternative accommodation thereby granting time till end of November, 2018 and to vacate in the meantime, failing which, the revision respondent/land lady can execute and recover possession of the property.

6. The undertaking through the learned counsel by the revision petitioner to vacate before the end of November, 2018 and meantime to secure alternative accommodation and to pay Rs.3,500/- (Three thousand five hundred only) p.m. towards use and occupation charges regularly, is recorded. It is made clear that since this is an order on merits and time extended is on special consideration requested by the learned counsel for the revision petitioner, the revision petitioner is not entitled to seek any further extension of time at any cost.

7. Accordingly, the Civil Revision Petition is disposed of.

8. 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:14-12-2017

pab