

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 850 of 2018

ORDER:

1) Aggrieved by the order, dated 20.10.2016, passed in R.C.A.No.3 of 2015 on the file of the Rent Control Appellate Authority-cum-Senior Civil Judge, Pithapuram, the present Civil Revision Petition came to be filed.

2) The facts in issue are that the respondents herein filed R.C.C.No.3 of 2013 on the file of the Principal Junior Civil Judge, Tuni, seeking eviction of the petitioner herein from the petition schedule premises and to deliver vacant possession to the respondents. By an order dated 16.10.2015, the learned Junior Civil Judge, allowed the R.C.C. directing the petitioner herein to vacate the premises within two months from the **date** of the order and hand over possession to the respondents, failing which, the respondents are directed to get the possession through process of law. Challenging the same, the petitioner herein filed R.C.A.No.3 of 2015. Vide order dated 20.10.2016, the appellate authority dismissed the appeal confirming the findings of the trial Court. Aggrieved by the same the present Civil Revision Petition came to be filed.

3) As seen from the record, there is no dispute with regard to landlord and tenant relationship between the parties and

also with regard to the quantum of rent. The argument which was advanced before the trial Court was that the petitioner herein has not paid the rent from September, 2010 to September, 2011. The plea of the petitioner appears to be that he paid the rent for the said period but the respondents refused to receive the same since January, 2012. Under those circumstances, the petitioner is said to have sent the rent for the months of January and February, 2012 through money order. The evidence of RW.1 further indicate that he filed R.C.C.No.11 of 2012 seeking permission of the Court to deposit the rents from January, 2012, as such he has not paid the rent for the month of December, 2011. The petitioner herein also filed O.S.No.185 of 2011 seeking permanent injunction restraining the respondent herein from interfering with his possession and enjoyment over the property. The evidence further show that most of the part of the building was demolished and the petitioner herein filed R.C.C.No.1 of 2015 seeking a direction to the respondents herein to make repairs for the said building. In the said petition, the petitioner herein categorically stated that the respondents demolished their house adjacent to the shop.

4) From the above, it appears that the subject premises is in a dilapidated condition, which according to the respondents requires to be demolished. Taking into

consideration the pleas, the trial Court allowed the R.C.C. and directed the petitioner herein to vacate the premises and hand over vacant possession to the respondents, within two months from the date of the said order. Assailing the same, the petitioner filed R.C.A.3 of 2015 before the appellate authority. Similar contention was advanced before the appellate authority. Considering the arguments of both the sides, the appellate authority dismissed the appeal. The said order in appeal came to be passed on 30.10.2016. Though the order was passed in the month of October, 2016, the same was challenged before this Court by way of this revision on 05.02.2018 ie., nearly 1 ½ year later. No explanation is forthcoming as to why the present revision came to be filed with such a delay.

5) Though the learned counsel for the petitioner reiterated the arguments advanced before the trial Court, but however pleads that the petitioner has been using the said premises for business purpose since 1983 and some reasonable time may be given to vacate the premises. The same is opposed by the learned counsel for the respondents.

6) In view of the concurrent findings by both the Courts and having regard to the representation made by the learned counsel for the petitioner, the issue that boils down for

consideration is whether any time be granted for vacating the premises.

7) It is no doubt true that the petitioner herein was using the subject premises for business purpose since 1983. It is also not in dispute that he is in occupation of the said premises till date, though the appeal was dismissed in October, 2016. In view of the representation made by the learned counsel for the petitioner that if some time is given, the petitioner could search for an alternate premises, to shift his business, it would be just and proper to grant two months time to vacate the premises.

8) Accordingly, the Civil Revision Petition is disposed of, directing the petitioner to vacate the premises and hand over the vacant possession of the same to the respondents herein within two months from today. It is made clear that no extensions would be granted.

9) There shall be no order as to costs. Miscellaneous petitions, pending, if any, shall stand closed.

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JUSTICE C. PRAVEEN KUMAR

20.04.2018  
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