

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**CIVIL REVISION PETITION No.2241 OF 2018**

**ORDER :**

This Civil Revision Petition is filed against judgment dated 09.01.2018 in R.C.A.No.1 of 2017 passed by the Senior Civil Judge, Narsapuram, wherein he confirmed the order dated 23.09.2016 in RCC No.1 of 2016 passed by the Rent Controller-Cum-Principal Junior Civil Judge, Palakol, allowing the application filed under Section 10(2) of Andhra Pradesh Building (Lease, Rent and Eviction) Rent Control Act, 1960 and Andhra Pradesh Amended Act, 17 of 2005 ordering eviction of the revision petitioner/tenant from the schedule property.

2. Brief facts, which are necessary for disposal of this Civil Revision Petition are that the respondent is the absolute owner of Madras Terraced Building consisting of ground and first floors bearing D.No.14-7-11, situated opposite to Andhra Bank, Bank Street, Palakol in Palakol Municipal Limits. The respondent leased out the petition schedule room to the appellant/tenant on oral lease for Rs.1,600/- and that as per the terms and conditions of the oral lease, the appellant has to pay monthly rent to the respondent on or before 5<sup>th</sup> day of every succeeding month. As per the terms and conditions of oral lease, if the appellant commits act of waste or commits default in payment of monthly rents continuously for two months, the respondent is entitled to evict the appellant from the schedule shop. Since the subject schedule shop required for the personal use of the son of the respondent for doing business of computers and mobile phones,

respondent informed the appellant to vacate the same in the month of October, 2011. Though the appellant agreed to vacate the same, he filed suit in OS No.206 of 2011 on the file of Principal Junior Civil Judge's Court, Palakol seeking injunction against the respondent restraining him from interfering with the peaceful possession and enjoyment of the petition schedule shop. The respondent got issued legal notice dated 23.11.2015 to the appellant calling upon him to vacate the same. Subsequently, the respondent filed RCC No.1 of 2016 for eviction of the appellant from the subject shop room.

3. Counter affidavit is filed denying the allegations in the petition stating that he has got several buildings and a shopping complex and he has been doing several businesses along with his son and hence the ground of business requirement is not genuine. He also contended in the counter that the petition schedule shop room is not sufficient to do business therein.

4. After considering the oral evidence of P.W.1 and D.W.1 and documentary evidence adduced by both parties in Exs.A1 to A5 and Ex.B1, the trial Court allowed the RCC No.1 of 2016 on 23.09.2016 and directed the appellant to vacate the subject shop and to deliver the vacant possession to the respondent within three months from the date of order, failing which, the appellant is entitled to evict the appellant through process of law with the expenses of the appellant. Aggrieved by the same, the appellant preferred RCA No.1 of 2017 before the Senior Civil Judge, Narsapuram, which was also dismissed with costs on 09.01.2018 directing the appellant to vacate the petition schedule shop on or

before 31.03.2018 and handover the vacant possession thereof to the respondent/owner. Aggrieved by the said judgment, present Revision Petition is filed by the appellant.

5. Heard learned counsel for the petitioner/tenant.

6. In this case, it is to be seen that the relationship of landlord and tenant between the respondent and the petitioner/appellant is not in dispute. The only point that is to be considered in this revision petition is whether the respondent/landlord requires the subject premises for his personal occupation for support the business of his son.

7. Basing on the oral and documentary evidence of both parties, both the courts came to the conclusion that the respondent/landlord required the subject premises for his personal occupation of his son, which goes to show that the petitioner/tenant himself admitted that the landlord/respondent was asking him to vacate the subject premises from the year 2009 onwards and that he also reiterated such demand in the year 2011 also. Ex.A1 is a notice issued by the respondent in the year 2015 to the petitioner/tenant to vacate the premises. Both the Courts below came to the conclusion that the respondent/landlord requires the subject premises for establishment of business for his son.

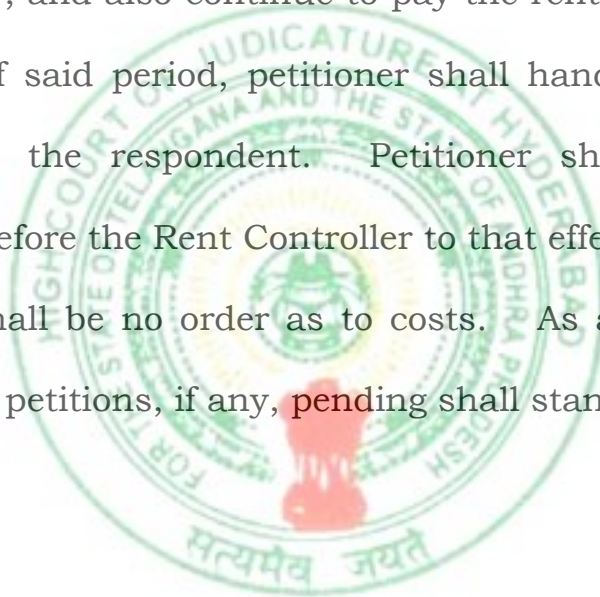
4. Since both the trial Court and the appellate Court concurrently held that the subject schedule shop required for the person use of the respondent/owner, this Court while exercising power of review, cannot set aside the findings of fact arrived at by both the Courts. As such, there is no illegality or irregularity is

brought to my notice for exercising power of review under Section 22 of the A.P.Building (Lease Rent and Eviction) Control Act, 1960 to interdict the concurrent findings of both the Courts below.

In view of the same, I do not see any reason to entertain this Revision Petition and accordingly, the same is dismissed.

Since it is submitted by the learned counsel for the revision petitioner that he is residing in the subject schedule shop since the year 2001, the revision petitioner is granted six months time to vacate the subject schedule room, subject to payment of arrears of rents, if any, and also continue to pay the rents till six months. After expiry of said period, petitioner shall handover the vacant possession to the respondent. Petitioner shall also file an undertaking before the Rent Controller to that effect.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.



**A.RAJASHEKER REDDY, J**

09-04-2018  
kvs

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