

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.2546 of 2018

Order:

This civil revision petition is filed by the tenant, against concurrent orders of eviction passed by the Rent Controller and confirmed by the Appellate Authority.

2. Heard Mr. K.S. Murthy, learned counsel for the petitioner and Mr. V.S.R. Anjaneyulu, learned counsel, representing Mr. S.V.V.N. Suresh, learned counsel for the respondents.

3. The respondents filed R.C.C.No.83 of 2013 as against the petitioner herein seeking his eviction from the petition schedule property on the grounds of wilful default, owner's occupation and acts of waste. After trial, the Rent Controller ordered eviction only on the ground of wilful default. The tenant filed an appeal. The Appellate Authority concurred with the findings given by the Rent Controller and confirmed the order of eviction. Hence, the petitioner is before me.

4. For establishing wilful default, the respondents/petitioners lead oral and documentary evidence. Ex.P-1 was the legal notice issued by the respondents, demanding the petitioner to vacate the suit schedule property. Ex.P-2 was the reply notice. The claim of the petitioner/tenant was that some expenditure was incurred towards drainage and water connection repairs and that all the 6 tenants in the suit schedule property shared the expenses among themselves

and that he was entitled to adjust the same against the rent. But the petitioner as R.W.1 admitted in the cross-examination that there was no proof to show that such an expenditure was incurred.

5. Therefore even on admission, it was clear that there was default in payment of rent. Unless the tenant establishes that he was in law or by contract entitled to appropriate the expenditure incurred upon such things, there is no right to adjust the rent. Therefore, the concurrent findings of both the Rent Controller and the Appellate Authority are unassailable. The civil revision petition is therefore liable to be dismissed.

6. However, Mr. K.S. Murthy, learned counsel for the petitioner, submitted that the petitioner may be granted 3 (three) months' time for vacating the petition schedule premises. Therefore, even while dismissing the civil revision petition, the petitioner is granted 3 (three) months' time to vacate the petition schedule premises. But, however, the petitioner shall file an Affidavit of Undertaking within a week. The interlocutory applications, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

13th July, 2018.
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