

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION NO. 4913 OF 2017

ORDER:

1. The petitioners are tenants, whereas the respondent is a Landlord. The respondent Landlord filed R.C.C.No.39 of 2007 before the learned Rent Controller-cum-Principal Junior Civil Judge, Nellore seeking eviction of the petitioners from the premises bearing Ward No.2, Door No.208 (New Door No.2/283), Old Dhaba Building, constructed in an extent of 12 ankanams out of an extent of 14 ankanams, situated in Nawabpet area of Nellore Municipal Corporation on the ground of personal occupation. The respondent is a widow and is entitled for protection Under Section 10(c) of Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960. The petitioners contested the case. The respondent herein adduced oral evidence of PWs.1 to 3 and marked Exs.P1 to P5, whereas the 1st petitioner herein who is the respondent in R.C.C.No.39 of 2007 before the Rent Controller, examined RWs.1 and 2 and marked Ex.R1. Learned Rent Controller, on the basis of oral and documentary evidence, allowed the petition of the respondent herein who was the petitioner therein, with costs directing the respondent therein to vacate and deliver vacant possession to the petitioner within two months from the date of

the said order dated.14.11.2011. Against the same, R.C.A.No.1 of 2012 was filed before the Rent Control Appellate Authority-cum-Principal Senior Civil Judge, Nellore, which was dismissed on 27.6.2017 confirming the order of the Rent Controller. Though the order was passed on 27.6.2017, the present Civil Revision Petition is filed challenging the said order and the learned counsel for the petitioners submits that the 2nd petitioner recently underwent surgery and they are eaking out their livelihood by running a small shop in the premises. They filed an affidavit undertaking to vacate the premises within the time fixed by this Court.

2. In view of the concurrent findings of the two Courts below, this Court is not inclined to entertain the present Civil Revision Petition. However, in view of the undertaking filed by the petitioners, the petitioners are given time till 31.5.2018 to vacate the premises and hand over the same to the respondent herein, subject to the condition of payment of regular monthly rents to her. In the event of the petitioners not vacating the premises on 31.5.2018 or before that date, appropriate contempt proceedings will be taken against them for violating the undertaking given to this Court.

3. The Civil Revision Petition is accordingly, disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 12.3.2018

KPM

