

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Civil Revision Petition No.4900 of 2018

ORDER:

This revision, under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short, "the Act"), is filed by the respondent in R.C.No.40 of 2015 on the file of the Additional Rent Controller, City Small Causes Court, Secunderabad aggrieved by the order passed by the Chief Judge, City Small Causes Court, Hyderabad in R.A.No.90 of 2016 dated 16.07.2018 affirming the order of the Additional Rent Controller, City Small Causes Court, Secunderabad in R.C.No.40 of 2015 dated 06.01.2016.

The respondent herein filed an application under Section 4 of the Act for fixation of fair rent in respect of the petition schedule premises. In his order in R.C.No.40 of 2015 dated 06.01.2016, the Additional Rent Controller took note of the fact that the schedule property was located in a prime commercial area called Subash Road, Secunderabad; it consisted of the ground and first floor; and as per the evidence of CW.1, and admissions made by PW.1 and RW.1, Bhavana Textiles, the immediate neighbour of the respondent, was paying Rs.30/- per square feet towards rent for his shop which was of an extent of 8' x 10' sq. ft. The Rent Controller considered it appropriate, therefore, to fix the fair rent at Rs.9,000/- per month.

Aggrieved thereby, the petitioner herein carried the matter in appeal to the Chief Judge, City Small Causes Court, Hyderabad who, in his order in R.A.No.90 of 2016 dated 16.07.2018, noted that, since the immediate neighbour was paying Rs.30/- per sq. ft towards rent of the shop, the Additional Rent Controller had considered the fair rent sought for by the respondent-petitioner at Rs.40/- per sq. ft to

be on the higher side. The Chief Judge opined that the Rent Controller, having analysed the oral and documentary evidence produced by both the parties and after taking into consideration the situational advantage of the property, the prevailing rental value in the locality for non-residential premises similarly situated, the size and quality of accommodation, the age of the building etc, had rightly determined the fair rent at Rs.30/- per sq. ft; and the landlord had failed to establish that the fair rent fixed by the Rent Controller was fit to be modified to Rs.40/- per sq. ft. The Chief Judge found no justifiable grounds to interfere with the order passed by the Additional Rent Controller.

As noted hereinabove, the Additional Rent Controller fixed the fair rent, for the subject shop, at Rs.9,000/- (Rs.30/- per sq. ft x 300 sq. ft = Rs.9,000/-) taking into consideration the fact that the neighbouring shop was also fetching fair rent at Rs.30/- per sq. ft. The concurrent findings of the fact by both the authorities below have not been shown to be either perverse or as based on no evidence. I see no reason, therefore, to entertain this revision under Section 22 of the Act.

The Civil Revision Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions, if any pending, shall also stand dismissed. No costs.

(RAMESH RANGANATHAN, J)

Date:05.10.2018.

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