

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

Civil Revision Petition No.6949 of 2018

ORDER:

Mr.Mohammed Naveed-ul-Hassan Siddiqui, the petitioner, has challenged the legality of the judgment and decree, dated 31.10.2018, in R.A.No.84 of 2017, passed by the Additional Chief Judge, City Small Causes Court, Hyderabad, whereby the learned Judge has upheld the judgment and decree, dated 25.03.2017, in R.C.No.125 of 2014, passed by the III Additional Rent Controller, City Small Causes Court, Hyderabad, wherein the Rent Controller had directed the petitioner to vacate the suit premises within a period of three months.

Briefly, the facts of the case are that the respondent-landlord had filed a suit for eviction against the petitioner, *inter alia*, on two grounds: firstly, willful default in payment of the rent; secondly, for the bona-fide necessity of the suit premises for the benefit of his son, who has become a major. In order to buttress his case, the respondent-landlord had examined two witnesses, and submitted three documents. In turn, the petitioner-tenant had examined himself as a witness, and submitted thirty six documents. After going through the evidence, the learned Rent Controller decreed the suit and directed the petitioner-tenant to vacate the premises within a period of three months.

Since the petitioner was aggrieved by the judgment and decree, dated 25.03.2017, he filed an appeal before the learned Additional Chief Judge (FAC), City Small Causes Court, Hyderabad. By judgment and decree, dated 31.10.2018, the

learned Additional Chief Judge has dismissed the appeal, and has granted two months time to the petitioner to vacate the suit premises. Hence, this revision petition before this Court.

Mr. Vikhar Ahmed, the learned counsel for the petitioner-tenant, has vehemently contended that the petitioner was regularly paying the rent amount. Therefore, there is no evidence to show that he had committed willful default in payment of the rent. Secondly, there is no evidence to show that the son of the respondent-landlord required the premises for his business. Thus, the ground of bona-fide requirement has not been established by the respondent-land.

On the other hand, Mr. Dida Vijaya Kumar, the learned counsel for the respondent-landlord, has strenuously contended that the documents produced by the petitioner clearly show that the rent was paid intermittently, and irregularly. Thus, willful default was writ large. Moreover, the respondent-landlord had established the fact that his son has become major, and wants to establish his own business. Hence, the respondent-landlord has succeeded in proving his case against the petitioner-tenant. Thus, the learned counsel has supported the impugned judgment and decree.

A bare perusal of the judgment and decree dated 31.10.2018, clearly shows that the documents submitted by the petitioner clearly indicate that the rent was not paid on regular basis, but was being paid intermittently. Thus, the first ground for eviction was well established by the respondent-landlord.

As far as the bona-fide requirement is concerned, suffice it to say that the learned trial Court has noticed the fact that no question was asked in the cross-examination of PW.2 about the bona-fide necessity of the suit schedule premises, for the own business of the son of the landlord, and with regard to his inability to do any business. Therefore, the respondent-landlord has succeeded in establishing the bona-fide requirement of his family.

Since the first appellate Court has re-appreciated the evidence on record, in the right perspective, this Court does not find any illegality or perversity in the impugned judgment and decree. Therefore, this revision petition is devoid of any merit; it is hereby dismissed.

However, the learned counsel for the petitioner-tenant pleads that sufficient time should be given to the petitioner to vacate the premises. According to him, a reasonable time of one year should be given to the petitioner to vacate the premises.

On the other hand, the learned counsel for the respondent-landlord submits that one year is too long a period to be given. The respondent-landlord has been waiting since 2014 to have the premises vacated by the petitioner-tenant.

Considering the fact that the petitioner needs to vacate the suit premises which is a shop, and needs to re-establish his business, considering the fact that the respondent-landlord is hoping that the suit premises would be vacated, so that his son can establish his business, this Court grants the petitioner the time till 31.03.2019 to vacate the premises. If the petitioner-tenant

does not vacate the premises by 31.03.2019, the respondent-landlord shall be free to seek his remedy before the executing court.

The miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

RAGHVENDRA SINGH CHAUHAN, J.

Date:28.12.2018.

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