

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.169 of 2019

O R D E R:

This Revision is filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short 'the Act') challenging the order dt.19.11.2018 in R.A.No.22 of 2016 of the Additional Chief Judge, City Small Causes Court, Hyderabad confirming the order dt.30.11.2015 in RC.No.111 of 2012 of the I Additional Rent Controller, City Small Causes Court, Hyderabad.

2. Petitioner herein is the tenant of the respondent.
3. The respondent filed the said RC for eviction of the petitioner from the subject premises, which is a non-residential premises, on the ground of willful default in payment of monthly rent from December, 2010 to March, 2012 and also for *bonafide* requirement to start social activity, such as medical clinic, tailoring camp for ladies and other activities for the welfare of the respondent's samaj.
4. Counter was filed by the petitioner admitting the tenancy but denying default in payment of rents. It was also denied that respondent had asked the petitioner to evict the RC schedule premises. The contention about the *locus* of the respondent to file RC was also raised.
5. Before the Rent Controller, the respondent examined PW1 and marked Exs.P1 to P6. Petitioner examined RW1.

6. By Order and Decree dt.30.11.2015, RC.No.111 of 2012 was allowed and the petitioner was directed to vacate and handover vacant possession of the RC schedule premises within two months from the date of the order.

7. After considering the evidence on record, the Rent Controller held that the petitioner is the tenant of the respondent, that he had paid rents to the respondent through his representative and PW-1 is the representative of the respondent and falls within the definition of landlord under Section 2(6) of the Act; that the petitioner, having admittedly paid rents to the representative of the respondent, suddenly stopped paying rents; and he cannot do so by denying the validity of elected body of the respondent because the respondent continues to be the landlord and the relation of landlord and tenant between the respondent and the petitioner stood established. It also held that the petitioner has not explained the reason for not paying the rents to the respondent prior to the filing of the RC though he had admitted that he deposited rents from December, 2010 after filing of the RC as per the order passed by the Court in I.A.No.212 of 2014; and that payment of arrears of rent subsequent to the filing of the eviction petition would not absolve the petitioner and he has thus committed willful default in payment of rent. It also gave a finding that the requirement of the RC Schedule premises by the respondent is *bonafide* and that the representative of the respondent had requested the petitioner to vacate the RC

schedule premises for doing social activities, but he had not obliged.

8. Assailing the same, petitioner filed RA.No.22 of 2016 before the Additional Chief Judge, City Small Causes Court, Hyderabad.

9. By order dt.19.11.2018 the said RA was also dismissed. The finding of the Rent Controller on denial of title, willful default and *bonafide* requirement were all confirmed by the appellate authority under the Act.

10. Assailing the same, this Revision is filed.

11. Though counsel for petitioner sought to contend that the finding of the Rent Controller as confirmed by the Appellate Authority under the Act are erroneous and that the petitioner did not commit any willful default in payment of rents nor the subject premises is required for *bonafide* need of the respondent, I am of the opinion that the Rent Controller as well as the Appellate Authority under the Act have properly appreciated the evidence on record and come to the right conclusion on the aspects of willful default in payment of rents by the petitioner as well as *bonafide* requirement of the premises by the respondent. They also rightly came to the conclusion that there is a denial of title of the respondent by the petitioner.

12. In exercise of jurisdiction under Section 22 of the Act such concurrent findings of fact based on appreciation of evidence by

both the Rent Controller and the Appellate Authority cannot be interfered with in the absence of any perversity or non-consideration of material evidence or consideration of inadmissible evidence by them.

13. Therefore, I do not find any merit in this Civil Revision Petition and it is accordingly dismissed, granting four (04) months time to the petitioner to handover the peaceful possession of the RC schedule premises to the respondent, subject to the petitioner filing an undertaking within three (03) weeks from the date of receipt of the copy of the order to that effect; and subject to the petitioner also depositing all arrears of rent to the credit of the RC within four (04) weeks from today, and also paying rent for the subsequent four (04) months period as granted above on or before 5th of every month commencing from 02nd February, 2019. In default of compliance with the above conditions, the respondent is entitled to forthwith evict the petitioner. No order as to costs.

14. Consequently, Miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

01st February, 2019.

Note: Issue CC in one week.

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