

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.2235 & 2255 OF 2019

COMMON ORDER:

These revision petitions, under Section 22 of A.P. Building (Lease, Rent and Eviction) Control Act, 1960 and A.P. Amended Act, 17 of 2005, are filed by the petitioner aggrieved by the common order dated 16.07.2019 passed in R.C.A.Nos.34 of 2017 and 1 of 2018 by the Additional Chief Judge, City Small Causes Court, Hyderabad.

2. Heard the learned counsel for the revision petitioner, learned counsel for the respondent and perused the record.

3. Learned counsel for the revision petitioner would contend that initial fixing of fair rent @ Rs.6,300/- per month in respect of the subject property is excessive. The lower Appellate Court had not appreciated the oral and documentary evidence, and erroneously enhanced the same to Rs.10,000/- and ultimately prayed to set aside the same.

4. On the other hand, the respondent-landlord would submit that the revision petitioner has got shops nearby the subject property where he is getting monthly rent of Rs.15,000/-. It is supported by the evidence on record. The Court below having examined the evidence and the documents, was pleased to fix the fair rent @ Rs.6,300/- per month and the lower Appellate Court did not exceed its jurisdiction vested therein in enhancing the fair rent at Rs.10,000/- per month and ultimately prayed to dismiss the revision petition.

5. It has been established from the evidence and the documents marked that the subject property is situated in a commercial area. Having elaborately taken into consideration the evidence of the witnesses and also the rent prevailing in that area, the Rent Controller

vide order dated 28.12.2016 in R.C.No.24 of 2015, fixed the fair rent @ Rs.6,300/- per month. On Appeal, the lower Appellate Court recorded the findings based on the evidence on record and having exercised its jurisdiction, enhanced and fixed the fair rent at Rs.10,000/- per month. Hence, there is nothing to take a different view.

6. In the result, the Civil Revision Petitions are dismissed at the admission stage. No order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date: 26.09.2019
ssp

Dr. SHAMEEM AKTHER, J

