

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE SUJOY PAUL

CIVIL REVISION PETITION NO: 2993 OF 2024

Petition under Section 22 of the Buildings (Lease, Rent & Eviction) Control Act, 1960 aggrieved by the Judgment dated 19-07-2024 made in R.C.A. No. 5 of 2024 on the file of the Court of the Chief Judge, City Small Causes Court, Hyderabad, preferred against the Order passed in R.C. No. 98 of 2021 dated 30-01-2024 on the file of the Court of the Principal Rent Controller, City Small Causes Court, Hyderabad.

Between:

Mohammed Farooq, S/o. Late Mohammed Ali, Aged about 64 years, Occ. Business, R/o. Mulgi No.19-3-1089/A/25/1/AB, Jahanuma, Madina Colony, Hyderabad

...Revision Petitioner / Respondent / Appellant

AND

Mrs. Safiya Sultana (Safia Sultana), W/o. Late Khaja Raheemuddin, Aged about 58 years, Occ. Household, R/o. H.No. 19-3-1089/A/25/1, Jahanuma, Madina Colony, Hyderabad
Rep. by her GPA Holder Gafooruddin S/o. Late Khaja Raheemuddin, R/o. H.No. 19-3-1089/A/25/1, Jahanuma, Madina Colony, Hyderabad

...Respondent / Petitioner / Respondent

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of Order dt. 30-01-2024 passed in R.C. No. 98 of 2021 passed by the Hon'ble Principal Rent Controller, City Small Causes Court, at Hyderabad, which was confirmed by the Hon'ble Chief Judge, City Small Causes Court, at Hyderabad, by passing Judgment dt. 19-07-2024 passed in R.C.A. No. 5 of 2024, pending disposal of the main Revision,

Counsel for the Petitioner : Sri K Jamali

Counsel for the Respondent : - - -

The Court made the following Order :

THE HONOURABLE SRI JUSTICE SUJOY PAUL

CIVIL REVISION PETITION No.2993 OF 2024

ORDER:

This revision filed under Section 22 of the Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short, Act of 1960) takes exception to the order dated 19.07.2024 in R.C.A.No.5 of 2024 passed by the Chief Judge, City Small Causes Court at Hyderabad (for short, Rent Control Appellate Authority) and order dated 30.01.2024 in R.C.No.98 of 2021 on the file of the Court of Principal Rent Controller, City Small Causes Court, Hyderabad (for short, Rent Controller).

2. Briefly stated, the petitioner herein is the tenant and the respondent herein is the landlady of the petition schedule premises. The respondent, a widow, filed R.C.No.98 of 2021 under Section 10-C, 10(3)(a)(iii) and 10(2)(iv) of the Act of 1960 before the Rent Controller for eviction of the petitioner herein/tenant from the petition schedule premises. The learned Rent Controller opined that the grounds under aforesaid sections were made out. Accordingly, the Rent Controller allowed the said case and directed the tenant to

vacate and handover the physical and vacant possession of the petition schedule premises to the landlady.

3. The said order was called in question in RCA.No.5 of 2024, and the Rent Control Appellate Authority found that the landlady, being a widow, deserves additional protection under the Act of 1960. In addition, it was found that the son of landlady viz., Khaja Gafooruddin is a handicapped person having 90% disability. The petition schedule premises was required for establishing electronic goods business/shop for him. The Rent Control Appellate Authority held that in view of judgment reported in **Radhi Rancy v. Nanki Feroze**¹, a widow is not required to establish *bona fide* requirement. Accordingly, the Rent Control Appellate Authority gave its stamp of approval to the order of the Rent Controller. The present revision assails both the said orders.

4. Sri K. Jamali, learned counsel for the petitioner advanced singular contention. By placing heavy reliance on the statement of Khaja Gafooruddin (P.W.1), it is submitted that he in candid terms admitted that out of four shops in the

¹ AIR ONLINE 2018 HYD 37

petition schedule premises, two shops were let out to other tenants and in one shop, he is doing 'Kirana' Business. By highlighting this, the singular contention of the learned counsel for the petitioner/tenant is that since said Khaja Gafooruddin is already running shop in the part of petition schedule premises, there was no need for seeking eviction of present petitioner.

5. No other point is pressed by the learned counsel for the petitioner.

6. The respondent/landlady is a widow and Section 10-C of the Act of 1960 provided an additional right to recover immediate possession of premises accrued to widow. The Rent Control Appellate Authority in para 22 of the impugned order considered the judgment of **Radhi Raney** (supra) and opined that in a petition filed under Section 10-C of the Act of 1960, the landlord/landlady is not required to prove *bona fide* requirement. No amount of argument is advanced by the learned counsel for the petitioner to distinguish this judgment.

7. So far, statement of Khaja Gafooruddin is concerned, both the Courts have considered the said statement and reached to a plausible decision. The analysis made by both the Courts cannot be said to be either perverse or based on extraneous reasons. The said Khaja Gafooruddin made it clear in the statement that the said shop is being run as toffee shop by his sister.

8. It is trite that landlord is the best judge of his requirement for residential or business purposes and he has got complete freed in the matter. The landlord/landlady is best suited to decide as to which part of the petition schedule premises is to be used for which purpose. This aspect is made clear by the Supreme Court in the judgments of **Ragavendra Kumar v. Prem Machinery & Co.**², **Prativa Devi (Smt) v. T.V.Krishnan**³ and **Nidhi v. Ram Kripal Sharma**⁴.

9. This Court does not find any merit in the singular contention raised by the learned counsel for the petitioner and both the Courts have taken a view which is in accordance

² (2000) 1 SCC 679

³ (1996) 5 SCC 353

⁴ (2017) 5 SCC 640

with law and no interference is required. No case is made out for interference in revisional jurisdiction. The petition fails and is hereby **dismissed**. There shall be no order as to costs. Miscellaneous applications pending, if any, shall stand closed.

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Judge, City Small Causes Court at Hyderabad
2. The Principal Rent Controller, City Small Causes Court, Hyderabad
3. One CC to Sri K Jamali, Advocate [OPUC]
4. Two CD Copies

VA/gh

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HIGH COURT

DATED:27/09/2024



ORDER

CRP.No.2993 of 2024

DISMISSING THE CRP

6 Copies

By
11/10/24