

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

THURSDAY, THIRTIETH DAY OF JUNE  
TWO THOUSAND AND ELEVEN

PRESENT

**THE HONOURABLE SRI JUSTICE G.CHANDRAIAH**

**C.R.P. No.2144 of 2011**

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**Between:**

SK Ramthulla

... Petitioner

and

K.Rajyalakshmi

... Respondent

**THE HONOURABLE SRI JUSTICE G.CHANDRAIAH**

**C.R.P. No.2144 of 2011**

**ORDER:**

This revision petition has been filed aggrieved by order dated 18.04.2011 passed in R.C.A. No.21 of 2007 on the file of the learned Principal Senior Civil Judge, Nellore.

The revision petitioner and the respondent herein are the tenant and the landlady, respectively.

Brief facts of the case are that the landlady filed R.C.C. No.33 of 2003 under Section 10(2)(1)(4), 3(1) of A.P. Buildings (Lease, Rent and Eviction) Control Act before the learned Rent Controller-cum-Principal Junior Civil Judge, Nellore stating that she is the absolute owner of the petition schedule property and the revision petitioner joined as a tenant in the petition schedule premises and doing business of flour mill. Later on, after completion of tenancy agreement, she sought to evict the tenant on the ground that she wants the premises for *bona fide* requirement as she wants to provide shelter to her eldest daughter by demolishing old house and also on the ground that the tenant is causing nuisance by running the flour mill till 8.30 p.m., apart from other grounds. The learned trial Court by order dated 03.09.2007 allowed the petition with costs directing the tenant to vacate the premises, within two months, failing which, the landlady can recover the same through process of law. Aggrieved by the same, the tenant preferred an appeal in R.C.A. No.21 of 2007

before the learned Principal Senior Civil Judge, Nellore. The lower appellate Court vide order dated 18.04.2011 dismissed the appeal with costs directing the tenant to vacate the premises, within two months and confirmed the order of the learned trial Court. Aggrieved by the same, the tenant filed the present revision petition.

The learned counsel appearing for the revision petitioner, tenant, would submit that the landlady filed eviction petition on the ground of willful default and the premises is required for her personal occupation, apart from other grounds, but the Court below did not consider the evidence on record particularly with reference to willful default that when the tenant wanted to pay the rents, the landlady refused to receive the same.

On the other hand, the learned counsel appearing for the landlady, Caveator, would submit that whatever the grounds that have been taken before the Courts below were considered properly and passed the impugned orders against the tenant. As there is no merit in the case, no interference of this Court is required under Article 227 of the Constitution of India.

Heard the learned counsel on either side and perused the material on record.

The main grievance of the petitioner/tenant is that both the Courts below have committed an error in appreciating the case and when he was ready and willing to pay the rents, the respondent, landlady, refused to receive the same. Therefore, there is no willful default on his part. Further, it is also one among the grievance of the petitioner that the respondent's daughter's marriage was already performed and she is living with her husband. Therefore, the premises are not for *bona fide* requirements.

*Prima facie*, it is to be seen that the lease period was fixed from

01.01.1998 onwards and till 31.12.2002 and the tenure of that lease was expired from 01.01.2003. After expiry of lease period there was no further tenancy agreement between the parties, therefore, there is no relationship of tenant and landlord between the parties. That itself is suffice for the respondent, landlady, to ask the petitioner, tenant, to vacate the premises.

Further, the learned counsel for the petitioner, tenant, would submit that when he was prepared to pay the rents, the respondent, landlady, refused to receive the same is not sustainable since there is no proof to that effect. If the respondent, landlady, really refused to receive the rents, the petitioner, tenant, have alternative procedures to deposit the rents i.e. either to deposit the same in the bank account of the respondent, landlady, or in the Court or can send a cheque in the name of the respondent, landlady, through the registered post. The petitioner, tenant, has adopted neither of the procedure to prove his contention that he was prepared to pay the rents and the respondent, landlady, refused to receive the same.

Further contention of the petitioner, tenant, is that the respondent's daughter's marriage was already performed and she is living with her husband, therefore, the premises required is not *bona fide*. In this regard, it is to be observed that there is any rule that if the daughter's marriage is performed, the parents have no responsibility or no right to provide shelter. If the respondent, landlady is intending to provide shelter to her daughter, it is at her liberty to provide shelter and the petitioner, tenant, has no say in this regard. In that view of the matter, this revision petition is liable to be dismissed.

Accordingly, this revision petition is dismissed without costs.

However, ultimately, during the course of arguments, both the counsel submitted that the tenant is ready and willing to

vacate the premises in question and sought for reasonable time.

However, the learned counsel for the revision petitioner, tenant, submitted that the tenant is running a flour mill on the premises in question and the two months time granted by the Court below to vacate the premises had already been expired and therefore, time for a period of one more year may be granted to vacate the premises. On the contrary, it is submitted by the learned counsel for the landlady that the tenant may be granted some reasonable time, but not one year and apart from that, the tenant may be directed to file an undertaking to that effect.

In this regard, the learned counsel for the tenant submits that he may be permitted to make statement on behalf of the tenant to vacate the premises within the time to be granted by this Court and the same may be recorded as that of an undertaking of his client.

Considering the submissions made by the learned counsel on either side and recording the statement of the learned counsel for the tenant as that of an undertaking of his client to vacate the premises, time for a period of six more months is granted to the tenant to vacate the premises in question.

Under those circumstances, it is needless to observe that the revision petitioner, tenant, shall vacate the premises in question, within the stipulated time and handover the possession of the premises in question to the respondent, landlady.

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**JUSTICE G.CHANDRAIAH**

**Date: 30.06.2011**  
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