

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

FRIDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE SAMBASIVARAO NAIDU

**CIVIL REVISION PETITION Nos: 5971 of 2010, 6071 of 2010 AND
CIVIL REVISION PETITION Nos.5947 of 2010, 6075 of 2010 AND
CIVIL REVISION PETITION Nos.5948 of 2010, 6072 of 2010 AND
CIVIL REVISION PETITION Nos.5973 of 2010, 6076 of 2010 AND
CIVIL REVISION PETITION Nos.5958 of 2010, 6073 of 2010 AND
CIVIL REVISION PETITION Nos.5970 of 2010, 6074 of 2010**

CIVIL REVISION PETITION No.5971 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.51 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.366 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Smt. Maya Devi, W/o. Munnalal Agarwal, Age:52 years, Occ:Business R/o. 4-5-214/5, Beside Gandhi Gyan Mandir Koti, Sultan Bazar, Hyderabad rep by GPA Manoj Kumar Agarwal

...Revision Petitioner/Respondent

AND

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Respondent/Appellant

I.A. NO: 1 OF 2010(CRPMP. NO: 7947 OF 2010)

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.51 of 2010 on the file of the Court of the Additional Chief Judge, City Small

Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.366 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

I.A. NO: 1 OF 2011(CRPMP. NO: 4691 OF 2011)

Between:

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

... Petitioner/Respondent/Respondent

AND

Smt. Maya Devi, W/o. Munnalal Agarwal, Age:52 years, Occ:Business R/o. 4-5-214/5, Beside Gandhi Gyan Mandir Koti, Sultan Bazar, Hyderabad rep by GPA Manoj Kumar Agarwal

...Respondent/Petitioner/Petitioner

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 vacate the stay granted in CRPMP No. 7947 of 2010 in CRP No.5971 of 2010 in order dated 24-12-2010 in the interest of justice.

IA NO: 1 OF 2018

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 condone the delay of 1009 days in filing L.R.application.

IA NO: 3 OF 2018

Petition under Order 22, Rule 3 praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to bring the proposed Petitioner No.2 on record as Petitioner No.2 in this Petitions as Legal Heir of Revision Petitioner.

Counsel for the Petitioner: Sri Manjari S. Ganu

Counsel for the Respondent: Mr. R.A. Achuthanand

CIVIL REVISION PETITION No.6071 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.51 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.366 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Petitioner/Appellant

AND

Smt. Maya Devi, W/o. Munnalal Agarwal, Age:52 years, Occ:Business R/o. 4-5-214/5, Beside Gandhi Gyan Mandir Koti, Sultan Bazar, Hyderabad rep by GPA Manoj Kumar Agarwal

...Respondent/Respondent

IA NO: 1 OF 2018

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 condone the delay of 1009 days in filing the legal heir petition in the interest of justice.

IA NO: 3 OF 2018

Petition under Order 22 Rule 4 of 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 bring the legal heirs of respondent No.1 i.e., the proposed respondent herein as respondent No.2 on record in the interest of justice.

Counsel for the Petitioner: Mr. R.A. Achuthanand

Counsel for the Respondent: Sri Manjari S. Ganu

CIVIL REVISION PETITION No.5947 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.54 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.371 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Sri Satish Kumar, S/o.Arjun Kumar, Age: 45 years, Occ: Business R/o.1-2-524, Flat No.209, Sagar Apartments, Hyderabad.

...Revision Petitioner/Respondent

AND

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Respondent/Appellant

I.A. NO: 1 OF 2010(CRPMP. NO: 7910 OF 2010)

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 stay all further proceedings in pursuance of the order dated 18th August, 2010 in RA No.54/2010, pending disposal of this revision petition.

I.A. NO: 1 OF 2011(CRPMP. NO: 4664 OF 2011)

Between:

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Petitioner/Respondent/Respondent

AND

Sri Satish Kumar, S/o.Arjun Kumar, Age: 45 years, Occ: Business R/o.1-2-524, Flat No.209, Sagar Apartments, Hyderabad.

...Respondent/Petitioner/Petitioner

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 vacate the stay granted in CRP.MP.No.7910 of 2010 in CRP.No.5947 of 2010 order dt. 24/12/2010 in the interest of justice.

I.A. NO: 1 OF 2017(CRPMP. NO: 6483 OF 2017)

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 receive the xerox receipts dated 27-05-2016 and bank statement receipt dated 22-11-2016 and the bank statement, receipt dated 27-02-2017 and bank statement, receipt dated 29-06-2017 and the lease deed dated 11-05-2015 as per list of documents as additional evidence in the interest of justice.

Counsel for the Petitioner: Sri Manjiri S. Ganu

Counsel for the Respondent: Mr. R.A. Achuthanand

CIVIL REVISION PETITION No.6075 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.54 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.371 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Rajasthan Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Petitioner/Appellant

AND

Sri Satish Kumar, S/o Arjun Kumar, Age: 45 years, Occ: Business R/o.1-2-524, Flat No.209, Sagar Apartments, Hyderabad.

...Respondent/Respondent

Counsel for the Petitioner: Sri R.A. Achuthanand

Counsel for the Respondent: Sri Manjiri S. Ganu

CIVIL REVISION PETITION No.5948 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.50 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.364 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Smt. Asha Devi, W/o. Arjun Kumar, Age: 56 years, Occ: Business R/o. 1-2-524, Flat No.209, Sagar Apartments, Hyderabad.

...Petitioner/Appellant

AND

Rajasthan Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Respondent/Appellant

I.A. NO: 1 OF 2010(CRPMP. NO: 7911 OF 2010)

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 stay all further proceedings in pursuance of the order dated 18.08.2010 in RA.No. 50/2010 pending disposal for the Revision Petition.

I.A. NO: 1 OF 2011(CRPMP. NO: 4775 OF 2011)

Between:

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Petitioner/Respondent/Respondent

AND

Smt. Asha Devi, W/o. Arjun Kumar, Age: 56 years, Occ: Business R/o. 1-2-524, FlatNo.209,SagarApartments,Hyderabad.

...Respondent/Petitioner/Petitioner

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 vacate the stay granted in CRP MP No. 7911 of 2010 in CRPNo.5948 of 2010 dated. 24-12-2010 in the interest of justice.

I.A. NO: 1 OF 2017(CRPMP. NO: 6434 OF 2017)

Petition under Order 41 Rule 27 R/w Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased receive the receipts dated 27-05-2016 and bank statement receipt dated 22-11-2016 and the bank statement, receipt dated 27-02-2017 and bank statement, receipt dated 29-06-2017 and the lease deed dated 11-05-2015 as per list of documents as additional evidence in the interest of justice.

Counsel for the Petitioner: Sri Manjiri S. Ganu

Counsel for the Respondent: Mr. R.A. Achuthanand

CIVIL REVISION PETITION No.6072 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.50 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.364 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Petitioner/Appellant

AND

Smt. Asha Devi, W/o. Arjun Kumar, Age: 56 years, Occ: Business R/o. 1-2-524, FlatNo.209, Sagar Apartments, Hyderabad.

...Respondent/Respondent

Counsel for the Petitioner: Mr. R.A. Achuthanand

Counsel for the Respondent: Sri Manjiri S. Ganu

CIVIL REVISION PETITION No.5973 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.55 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.370 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Sri G. Ravinder Rao, W/o. G. Ramachandra Rao, Age: 56 years, Occ: Business R/o. 4-5-214/5, Beside Gandhi Gyan Mandir Koti, Sultan Bazar, Hyderabad rep by GPA G. Devender Rao.

...Revision Petitioner/Respondent

AND

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Respondent/Appellant

I.A. NO: 1 OF 2010(CRPMP. NO: 7949 OF 2010)

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 stay all further proceedings in pursuance of the order dated 18th August, 2010 in RA No. 55/2010 pending disposal of this Revision Petition.

I.A. NO: 1 OF 2011(CRPMP. NO: 4692 OF 2011)

Between:

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Petitioner/Respondent/Respondent

AND

Sri G. Ravinder Rao, W/o. G. Ramachandra Rao, Age: 56 years, Occ:Business R/o. 4-5-214/5, Beside Gandhi Gyan Mandir Koti, Sultan Bazar, Hyderabad rep by GPA G. Devender Rao.

...Respondent/Petitioner/Petitioner

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 vacate the stay granted in CRPMP No. 7949 of 2010 in CRPNo.5973 of 2010 in order dated 24-12-2010 in the interest of justice.

I.A. NO: 1 OF 2017(CRPMP. NO: 6482 OF 2017)

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 receive the xerox receipts dated 27-05-2016 and bank statement receipt dated 22-11-2016 and the bank statement, receipt dated 27-02-2017 and bank statement, receipt dated 29-06-2017 and the lease deed dated 11-05-2015 as per list of documents as additional evidence in the interest of justice.

Counsel for the Petitioner: Sri Manjiri S. Ganu

Counsel for the Respondent: Mr. R.A. Achuthanand

CIVIL REVISION PETITION No.6076 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.55 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.370 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Petitioner/Appellant

AND

Sri G. Ravinder Rao, W/o. G. Ramachandra Rao, Age: 56 years, Occ: Business
R/o. 4-5-214/5, Beside Gandhi Gyan Mandir Koti, Sultan Bazar, Hyderabad rep
by GPA G. Devender Rao.

...Respondent/Respondent

Counsel for the Petitioner: Mr. R.A. Achuthanand

Counsel for the Respondent: Sri Manjiri S. Ganu

CIVIL REVISION PETITION No.5958 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and
Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in
R.A.No.52 of 2010 on the file of the Court of the Additional Chief Judge, City Small
Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C.
No.363 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Sri D.V.Chalapathy, S/o. D.R. Gupta, Age: 54 years, Occ: Business R/o. 4-5-
214/6 Beside Gandhi Gyan Mandir Koti, Sultan Bazar, Hyderabad.

...Revision Petitioner/Respondent

AND

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its
Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72
years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Respondent/Appellant

I.A. NO: 1 OF 2010(CRPMP. NO: 7933 OF 2010)

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 stay
all further proceedings in pursuance of the order dated. 18-08-2010 in RA.No.52
of 2010 pending disposal of the revision petition.

I.A. NO: 1 OF 2011(CRPMP. NO: 4689 OF 2011)

Between:

The Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its
Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72
years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Petitioner/Respondent/Respondent

AND

Sri D.V.Chalapathy, S/o. D.R. Gupta, Age: 54 years, Occ: Business R/o. 4-5-214/6 Beside Gandhi Gyan Mandir Koti, Sultan Bazar, Hyderabad.

...Respondent/Petitioner/Petitioner

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 vacate the stay granted in CRPMP No. 7933 of 2010 in CRPNo.5958 of 2010 in order dated 24-12-2010 in the interest of justice.

I.A. NO: 1 OF 2017(CRPMP. NO: 6647 OF 2017)

Petition under Order 41 Rule 27 R/w 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 receive the xerox receipts dated 27.05.2016 and bank statement receipt dated 22.11.2016 and the bank statement, receipt dated 27.02.2017 and bank statement, receipt dated 29.06.2017 and the lease deed dated 11.05.2015 as per list of documents as additional evidence in the interest of justice.

Counsel for the Petitioner: Sri Manjiri S. Ganu

Counsel for the Respondent: Mr. R.A. Achuthanand

CIVIL REVISION PETITION No.6073 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.52 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.363 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Rajasthan Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Petitioner/Appellant

AND

Sri D.V.Chalapathy, S/o. D.R. Gupta, Age: 54 years, Occ: Business R/o. 4-5-214/6 Beside Gandhi Gyan Mandir Koti, Sultan Bazar, Hyderabad.

...Respondent/Respondent

Counsel for the Petitioner: Mr. R.A. Achuthanand

Counsel for the Respondent: Sri Manjiri S. Ganu

CIVIL REVISION PETITION No.5970 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.53 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.367 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Sri G.Ravinder Rao, S/o. G.Ramachandra Rao, Age:56 years, Occ: Business
R/o. 4-5-214/10 Beside Gandhi gyan mandir Koti Sultan Bazar, Hyderabad Rep.
by GPA Devender Rao

...Revision Petitioner/Respondent

AND

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its
Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72
years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Respondent/Appellant

I.A. NO: 1 OF 2010(CRPMP. NO: 7946 OF 2010)

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 stay all further proceedings in pursuance of the order dated. 18-08-2010 in RA.No.53 of 2010 pending disposal of the revision petition.

I.A. NO: 1 OF 2011(CRPMP. NO: 4675 OF 2011)

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 vacate the stay granted in CRP.MP.No.7946 of 2010 in CRP.No.5970 of 2010 order dated 24-12-2010 in the interest of justice.

I.A. NO: 1 OF 2017(CRPMP. NO: 6648 OF 2017)

Petition under Order 41 Rule 27 R/w Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased receive the xerox receipts dated 27-05-2016 and bank statement receipt dated 22-11-2016 and the bank statement. receipt dated 27-02-2017 and bank statement, receipt dated 29-06-2017 and the lease deed dated 11-05-2015 as per list of documents as additional evidence in the interest of justice.

Counsel for the Petitioner: Sri Manjiri S. Ganu

Counsel for the Respondents: Mr. R.A. Achuthanand

CIVIL REVISION PETITION No.6074 of 2010

Petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 aggrieved by the order dated 18-08-2010 passed in R.A.No.53 of 2010 on the file of the Court of the Additional Chief Judge, City Small Causes Court, at Hyderabad against the order dated 15-12-2009 passed in R.C. No.367 of 2007 on the file of the Court of the Principal Rent Controller, Hyderabad.

Between:

Rajasthani Bhavan Trust, M.No.4-5-159, Sultan Bazar, Hyderabad Rep by its Managing Trustee, Kamal Narayan Agarwal, S/o. Late Udmilal Agarwal, Age: 72 years, R/o. 87-470/1, Road No. 1, Banjara Hills, Hyderabad.

...Petitioner/Appellant

AND

Sri G.Ravinder Rao, S/o. G.Ramachandra Rao, Age:56 years, Occ: Business R/o. 4-5-214/10 Beside Gandhi gyan mandir Koti Sultan Bazar, Hyderabad Rep. by GPA Devender Rao

...Respondent/Respondent

Counsel for the Petitioner: Mr. R.A. Achuthanand

Counsel for the Respondent: Sri Manjiri S. Ganu

The Court made the following: COMMON ORDER

THE HON'BLE SRI JUSTICE SAMBASIVARAO NAIDU

CIVIL REVISION PETITION NOS.5971 OF 2010, 6071 OF 2010 AND

CIVIL REVISION PETITION NOS.5947 OF 2010, 6075 OF 2010 AND

CIVIL REVISION PETITION NOS.5948 OF 2010, 6072 OF 2010 AND

CIVIL REVISION PETITION NOS.5973 OF 2010, 6076 OF 2010 AND

CIVIL REVISION PETITION NOS.5958 OF 2010, 6073 OF 2010 AND

CIVIL REVISION PETITION NOS.5970 OF 2010, 6074 OF 2010

COMMON ORDER :

The parties in various rent control cases on the file of Principal Rent Controller, Hyderabad, being aggrieved by the orders of the First Appellate Court namely Additional Chief Judge, City Small Causes Court at Hyderabad in a batch of 12 Rent Control Appeals have filed the above referred Civil Revision Petitions. Though different Civil Revision Petitions are pending before the Court, they have been filed by the landlord as well as tenants of different shops in a common premises, under Section 22 of the A.P. Building (Lease, Rent and Eviction) Control Act, 1960, (herein after be referred as

"Act, 1960") and questioned the findings of first appellate Court. Since the contentions raised by the parties to the present Revision Petitions are common in all the petitions and their contentions were similar before the trial Court, a common judgment would suffice for disposal of all the 12 Civil Revision Petitions.

2. One Rajasthani Bhavan Trust located in Door No. 4-5-159 at Sultan Bazar, Hyderabad, being represented by its Managing Trustee moved 12 different Rent Control Cases under Section 4 of Act, 1960 before the Learned Principal Rent Controller, Hyderabad, with a prayer to fix fair rent for different shop premises that were leased out to different tenants. According to the averments made in the petition filed before the trial Court, the landlord has claimed that it is a Trust constituted for the promotion of Social and Educational Development of Rajasthani Samaj in particular, and public in general under a trust deed which was registered at Joint Sub-Registrar Office, Hyderabad. The landlord owned non-residential premises consisting different Mulgies (shops) with different measurements and leased out the shops to different tenants. There was a registered lease deed between

the landlord and tenants and as per the terms of said lease deed, each one of the premises was leased out to a particular tenant on a condition of payment of particular amount towards lease amount which includes charges towards amenities apart from electricity charges and property tax. While filing the said Rent Control Cases, the landlord has claimed that the lease was commenced about more than 30 years ago. These shops are in a commercial market in a prime locality of Hyderabad. They were given on nominal rent and if the premises are leased out to other parties they would fetch more amounts, thereby, sought for fixation of the fair rent. The respective tenants have contested the said Rent Control cases by filing their respective counters.

3. As could be seen from the material averments made in the counters, the tenants have disputed the averments made by the landlord. They have denied the claim of landlord that the property is in a prime locality. They have also taken various stands and prayed for dismissal of the petitions. The learned Rent Controller conducted enquiry in all the petitions and the parties have adduced their respective oral and documentary evidence. The trial court having heard

both parties disposed all the Rent Control cases under separate judgments dated 15-12-2009 and dismissed the petitions. Being aggrieved by the said orders, the landlord filed different appeals, the details of which will be mentioned in the following paragraphs, and sought for setting aside the impugned order and also prayed for fixing the fair rent.

4. The learned first appellate Court having heard both parties, and on re-appreciation of the entire evidence both oral and documentary, allowed the appeals and fixed the fair rent at different quantum under the impugned judgment. Being not happy with the said enhancement, both landlord and tenants have filed separate Revision Petitions and challenged the orders in the present batch of Revision Petitions.

5. The landlord has claimed that the first appellate Court went wrong in fixing a meager amount as fair rent and prayed for enhancement of the rent, whereas, the tenants have filed separate Civil Revision Petitions seeking setting aside the impugned order and for dismissal of the rent control cases filed by the landlord.

6. As already stated in the previous paragraphs, rent control cases namely RC.No.366/2007, RC.No.371/2007, RC.No.364/2007, RC.No.370/2007, RC.No.363/2007 and RC.No.367/2007 are the main cases filed by the landlord seeking fixation of fair rent but all these cases were dismissed by the trial Court under separate orders dated 15-12-2009. Being aggrieved by the said order, the landlord filed six separate appeals vide RA.No.51/2010, RA.No.54/2010, RA.No.50/2010, RA.No.55/2010, RA.No.52/2010 and RA.No.53/2010 respectively. The first appellate Court allowed these appeals under the impugned order dated 18-08-2010. However, both the landlord and tenants being not happy with the said finding preferred these separate Civil Revision Petitions.

7. The landlord has filed CRP.No.6071/2010, whereas, the tenant has filed CRP.No.5971/2010 against the judgment of the first appellate Court in RA.No.51/2010, the landlord filed CRP.No.6075 of 2010 against the judgment in RA.No.54 of 2010, whereas, the tenant has filed CRP.No.5947 of 2010. CRP.No.6072 of 2010 has been filed by landlord against the judgment in RA.No.50 of 2010, whereas the

tenant filed a separate appeal vide CRP.No.5948 of 2010. CRP.No.6076 of 2010 has been filed by the landlord questioning the judgment in RA.No.55 of 2010 and connected CRP vide CRP.No.5973 of 2010 has been filed by tenant. CRP.No.6073 of 2010 is filed by landlord against the judgment in RA.No.52 of 2010 and connected CRP vide CRP.No.5958 of 2010 has been filed by the tenant. CRP.No.6074 of 2010 is a revision filed by landlord against the judgment in RA.No.53 of 2010, whereas the tenant filed petition vide CRP.No.5970 of 2010.

8. The landlord who filed batch of Revision Petitions mainly contended that the first appellate Court in spite of allowing the appeals did not consider the contention of the landlord about the fair rent and without considering the location and probable rent that the landlord would get the property if leased to other party fixed a nominal rent as if, it is fair rent, thereby, sought for enhancement of the rent. Whereas, the tenants, who filed the remaining batch of Revision Petitions have claimed that in the light of the finding given by the trial Court that they have occupied the property under a particular lease deed, and in view of contractual

agreement between the parties, the landlord cannot ask for fixation of the fair rent during the period covered by the lease agreement, there is no scope for the court to fix fair rent. But the first appellate Court without considering their arguments enhanced the rent, thereby, sought for setting aside the impugned order and prayed for dismissal of the rent cases filed by the landlord.

9. It is true, the trial Court while dismissing all the cases filed by the landlord concluded that the landlord cannot ask for fixation of fair rent during the period covered by the agreement whereas, the appellate Court while placing reliance on various judgments came to the conclusion that in view of Section 4 of the Act, 1960, which provides opportunity to the landlord and tenant for filing application before the trial Court for fixation of fair rent, the Court can entertain such an application even during the period covered by the contract/lease agreement. In this connection, the following is the relevant judgment.

10. In a judgment *between 'N.Motilal and Others Vs. Faisal Bin Ali & another'* in Civil Appeal No.710 of 2020 (arising out of SLP (SC.No.28951 of 2019) the Hon'ble Apex

Court was pleased to observe that the landlord is not precluded from making an application for fair rent determination during subsistence of contractual tenancy. The Hon'ble Apex Court was pleased to refer the judgment of Constitutional Bench in '**M/s. Raval And Co. and Anr. vs K.G. Ramachandran (Minor) And Ors.**¹' as well as 7 Judge Bench Judgment in '**V.Dhanapal Chettiar Vs. Yesodal Ammal**² case.

11. As rightly observed by the first appellate Court even though there is a contractual agreement between the landlord and tenants, in the light of the observations made by the Apex Court in the above referred judgment and the other judgments referred by the learned Additional Chief Judge, City Small Cause Court in the batch of appeals, Section 4 of the Act provides an opportunity to landlord as well as the tenant for filing an application seeking fixation of the fair rent. Therefore, the contentions of the tenants that the first appellate Court committed an irregularity in fixing the fair rent need not be considered and as rightly observed by the first appellate Court, the landlord can approach the Rent Controller

¹ 1974 (1) SCC 424

² 1979 (4) SCC 214

for fixation of fair rent even during the subsistence of the contractual tenancy.

12. The next aspect that needs to be considered in these Revision Petitions is whether the rent fixed by the learned Additional Chief Judge, City Civil Court is fair rent or whether there are grounds to enhance the said amount.

13. The landlord while filing the above referred rent cases mainly contended that the property is located in a prime area of Hyderabad city. The rent that was fixed for the premises is too meager and it was fixed long back. If the property is let out to a third party, it would fetch more amount, thereby, sought for fixation of fair rent. Where as, the tenants have claimed that the building was constructed long back. There is no proper parking place. There are no facilities provided by the landlord for the customers, who used to visit the shop premises. They have also claimed that after the blasting incident that took place at Gokul Chat where some explosive material was used to blast the said Gokul Chat, the police have intensified the security measures in and around the said area. They are not even allowing the parties to park their vehicles in front of the complex and the security

measures were tightened which in other way affected the inflow of the customers to the shops. They have also claimed that the landlord did not take any initiative to undertake even minor repairs. There was no painting and other repair work subsequent to their occupying the shop. Therefore, there is no substantial increase in the income of the tenant, as such, they have claimed that the rent which they agreed to pay under the lease agreement itself is fair rent, thereby, they sought for setting aside the impugned order.

14. However, a perusal of the orders of the learned Chief Judge, City Small Causes Court, it clearly indicates that the first appellate Court considered the respective contentions of the landlord as well as the tenants and based on the settled proposition of law in various similar cases and also by considering the rent of the adjacent premises, the learned Additional Chief Judge fixed the fair rent while allowing the appeal filed by the landlord. Even though, the landlord failed to provide any facility, the fact remains that the tenants have continued their business, and they are not prepared to vacate the shops, that itself shows that they are getting some profit in the business but they are not prepared to pay fair rent to

the premises. What is fair rent depends on the circumstances and various aspects including the location of the premises. However, the contention of the tenants that the building is not having minimum facilities like proper parking area, proper amenities, needs to be considered. In the light of the rapid growth of construction of multiplex and multi-floored buildings in the city, all those buildings are having abundant parking place within cellar and other facilities like lift and proper drinking water facilities etc., people will generally tend to visit such type of multiplex or multi-floored buildings rather than the visit old structures which were raised way back in the year much prior to 1965. According to the case of landlord vide the application filed before the trial Court itself, the trust deed was executed on 18-10-1965 and the tenants occupied the premises in and around 1990-93. Therefore, this fact needs to be considered for fixing the fair rent of the premises. The Rent Control Act itself is a beneficial legislation for the benefit of the tenants and at the same time, the interest of the landlord needs to be considered. In the light of the specific contention of the landlord that the building came into existence much prior to 1965 and in the light of the admitted

fact which indicates there is no substantial repair and provision of the facilities/amenities, the learned Additional Chief Judge rightly considered these aspects and fixed fair rent which in my opinion cannot be disturbed. Similarly, there are no grounds to reduce the rent that was fixed by the appellate court. Therefore, the Revision Petitions filed by the landlord as well as tenants are liable to be dismissed.

15. In the result, both the Revision Petitions filed by tenants as well as landlord are dismissed.

Consequently, Miscellaneous petitions if any, are closed.

No costs.

//TRUE COPY//

Sd/- A.V.S. PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER /

To,

1. The Additional Chief Judge, City Small Causes Court, at Hyderabad
2. The Principal Rent Controller, Hyderabad.
3. One CC to Sri Manjiri S. Ganu, Advocate [OPUC]
4. One CC to Mr. R.A. Achuthanand, Advocate [OPUC]
5. Two CD Copies

kam/gh



HIGH COURT

DATED:28/06/2024



COMMON ORDER

CIVIL REVISION PETITION Nos: 5971 of 2010, 6071 of 2010 AND
CIVIL REVISION PETITION Nos.5947 of 2010, 6075 of 2010 AND
CIVIL REVISION PETITION Nos.5948 of 2010, 6072 of 2010 AND
CIVIL REVISION PETITION Nos.5973 of 2010, 6076 of 2010 AND
CIVIL REVISION PETITION Nos.5958 of 2010, 6073 of 2010 AND
CIVIL REVISION PETITION Nos.5970 of 2010, 6074 of 2010

**DISMISSING OF THESE
CIVIL REVISION PETITIONS**

(7)
04/12/24
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