

Devi Pershad and anr. Vs. Rajava Desai

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Court : Andhra Pradesh

Decided On : Jun-07-2002

Reported in : 2002(4)ALD231; 2002(5)ALT710

Judge : G. Rohini, J.

Acts : Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 - Sections 10(3)

Appeal No. : CRP No. 375 of 2002

Appellant : Devi Pershad and anr.

Respondent : Rajava Desai

Advocate for Def. : C.V. Mohan Reddy, Adv.

Advocate for Pet/Ap. : Syed Shareef Ahmed, Adv.

Disposition : Civil revision petition dismissed

Judgement :

ORDER

G. Rohini, J.

1. This civil revision petition filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short 'the Act'), is directed against the

judgment dated 7.12.2001 in RA No.187 of 2000 on the file of the Court of the Addl. Chief Judge, City Small Causes Court, Hyderabad confirming the eviction ordered by the III Additional Rent Controller, Hyderabad in RC No.63 of 1995. The tenants who are the respondents in RC No.63 of 1995 are the revision petitioners.

2. For the sake of convenience the revision petitioners and the respondent are hereinafter referred to as the tenants and the landlady respectively as they were arrayed in the eviction petition,

3. The brief facts of the case are as follows:

The landlady filed R.C.No. 63 of 1995 under Section 10(3)(m)(b) and Section 10(2)(v) of the Act for eviction of the tenants from the petition schedule mulgies. As per the averments in the eviction petition the tenants jointly obtained the petition schedule mulgies along with the bathroom and latrine on lease and started running a business under the name and style Mangal Restaurant and Bar. The last written rental agreement dated 25.5.1987 was for a period of eleven months commencing from 1.6.1987. The rent agreed is Rs.900/- per month exclusive of electricity and water charges. It is stated that the sons of the landlady are unemployed and intended to commence business of their own and that the petition schedule mulgies are required for the purpose of business intended to be commenced by them. The landlady further pleaded that she is not in occupation of any another non-residential mulgi in twin cities and that the petition schedule mulgies are convenient for commencing business as they are located in a business centre. It is also alleged that the tenants have already secured alternative mulgies adjacent to the petition schedule mulgies where they are running hotel business. Accordingly she sought eviction of the tenants on the ground of bona fide requirement for personal occupation and also on the ground that the tenants secured alternative premises for their business.

4. The tenants filed detailed counter in which they stated that the monthly rent agreed is Rs.750/- but not Rs.900/- payable on or before 5th of every succeeding month. They also stated that the plea that the petition schedule mulgies are required for the purpose of business intended to be commenced by the sons of the landlady is not genuine. According to them the first son of the landlady is aged 50

years and looking after agricultural works at Kothareddypeta nearby Kamareddy and the second son who is an engineering graduate is already running a computer institute since more than 2 to 3 years and he is not in need of the petition schedule mulgies. They alleged that since they refused to pay the enhanced rents as claimed by the landlady she filed the eviction petition and before filing the same she issued a notice dated 19.1.1995 but she did not take the plea that the premises is required for the purpose of business intended to be commenced by her sons. It is also contended that the petition schedule mulgies are distinct, separate and having separate municipal numbers and therefore at the most the landlady is entitled only for one mulgi. Regarding the contention of the landlady that the tenants secured alternative accommodation, the tenants pleaded that their brother by name Pruthviraj is carrying on his own hotel business in the said premises and they are in no way concerned with the said business. They also specifically pleaded that they are carrying on business in the petition schedule mulgies as usual and they did not alternative premises for the purpose of their business as alleged by the landlady. Accordingly they pleaded that the eviction petition is not bona fide and the same is liable to be dismissed.

5. On the basis of the abovesaid pleadings the learned Rent Controller framed the following points for consideration :

1. Whether the petitioner requires the petition schedule premises bona fide for the purpose of carrying on business by her sons?

2. Whether the respondents secured alternative accommodation adjacent to the petition schedule mulgies?

6. Before the learned Rent Controller three witnesses have been examined on behalf of the landlady and Exs.P1 to P7 documents have been marked in support of her case through PW1. That apart, Exs.X1 to X5 documents have also been marked through PW2 and Exs.X6 and X7 documents have been marked through PW3. On behalf of the respondents one witness was examined and Exs.R1 to R6 documents have been marked as exhibits.

7. The learned Rent Controller on appreciation of the evidence on record answered both the points in favour of the landlady holding that the requirement of the landlady for the purpose of the business of her sons is bona fide and the tenants have secured alternative accommodation to run their business of restaurant adjacent to the petition schedule premises. Accordingly the learned Rent Controller by order dated 25.4.2000 allowed RC No.63 of 1995 with costs directing the tenants to vacate and hand over the vacant possession of the petitions schedule mulgies on or before 30th June, 2000.

8. Aggrieved by the said order the tenants preferred RA No. 187 of 2000 on the file of the Court of the Addl. Chief Judge, City Small Causes at Hyderabad. The appellate authority on appreciation of the entire evidence on record affirmed the findings recorded by the learned Rent Controller and dismissed the appeal by judgment dated 7.12.2001 thereby confirming the order of eviction. However, the appellate authority granted two months time to the tenants to vacate the petition schedule premises. Challenging the said judgment of the appellate authority confirming the order of eviction passed by the learned Rent Controller, the tenants have come up with the present civil revision petition.

9. Heard the learned Counsel for the petitioner Sri Syed Sharif Ahmed as well as the learned Counsel for the respondent Sri C. V. Mohan Reddy.

10. The learned Counsel for the petitioner apart from assailing the correctness of the findings of fact recorded by the learned Rent Controller as affirmed by the appellate authority vehemently contended that since the petition schedule premises consists of three separate and distinct mulgies bearing separate municipal numbers, even assuming that the landlady has established that her requirement for personal occupation is bona fide, she will be entitled for possession of only one mulgi and the Courts below erred in directing eviction in respect of all the three mulgies. He further contends that since the tenants are continuing their business as usual in the petition schedule premises and did not cease to occupy the same it cannot be said that they secured alternative accommodation and therefore the eviction ordered on that ground is not in accordance with law. His further contention is that since the landlady has failed to come into witness-box and

depose as to the allegations made in the eviction petition it must be held that she failed to establish the grounds on which the eviction was sought and the eviction petition is liable to be dismissed on that ground alone.

11. On the other hand the learned Counsel for the respondent submits that the findings recorded by the learned Rent Controller as well as the Appellate Authority are on proper appreciation of the evidence on record and in accordance with law and the said concurrent findings do not warrant any interference by this Court.

12. While elaborating the 1st contention that the landlady cannot maintain the eviction petition in respect of all the three mulgics, the learned Counsel for the petitioner submits that each mulgi is bearing separate door Number and being assessed independently, and therefore constitutes separate building as defined under Section 2(iii) of the Act. According to the learned Counsel in the eviction petition filed under Section 10 (3)(a) (in), the landlady is entitled to possession of only one mulgi which the tenants are willing to hand over. In support of his contention the learned Counsel placed reliance upon *Gangaram v. N. Shankar Reddy*, : AIR 1989 SC302 , *Arjun Dass v. Mandanlal Modi*, 1982 (2) ALT 333 and *Ms. Rawaimal Naraindas and Sons v. V.B. Amamath and Anr.*, 1999 (4) Supreme 77.

13. In *Gangaram v. N. Shankar Reddy* (supra), the Supreme Court was dealing with a case in which the eviction was sought under Section 10(3)(c) of the Act on the ground that the landlord requires additional space for his business. The facts of that case are that the tenant was in occupation of the premises bearing No.1-1-250 wherein he was running a pan shop and a hire cycle shop in the front room of the premises and residing in the rear portion. The adjoining building bearing door No.1.1.249 also belongs to the landlord wherein he was running a grocery shop in the ground floor and residing in the second and third floors. The landlord sought eviction of the tenant on the ground of requirement of additional space for the grocery shop. The rent Controller dismissed the eviction petition holding that the leased premises was separate building and did not form part of the building in which the tenant was carrying on his business. However the appellate authority set aside the said order of eviction holding that since both the buildings were owned

by the landlord and since they are separated only by a single wall the leased premises can be treated as forming part of the building in occupation of the landlord inspite of the fact that it had a separate Municipal door number. A Civil Revision Petition filed by the tenant was dismissed by this Court. When the matter was carried to the Supreme Court, while considering the purport of Section 10(3)(c) of the Act, the Supreme Court observed that what Section 10(3)(c) envisages is the oneness of the building and not the oneness of the ownership of two different buildings, one occupied by the landlord and the other by the tenant. It has been further held as follows:

'a practical test which can be applied to find out if two adjoining buildings form part of the same building or two different buildings would be to see whether one of the two buildings can be sold by the landlord and the purchased inducted into possession of the premises sold without the landlord's possession and enjoyment of the premises in his occupation being affected. Viewed to that manner it can at once be seen that the leased premises in the appellant's occupation can be independently sold and the purchased delivered possession without the respondent's possession of Door No. 1-1-249 being affected in any manner..... Similarly the fact that the two buildings are separated only by a single wall with not intervening space between them would not alter the situation in any manner because the identity of two separate buildings is not to be judged on the basis of the buildings being separated by a single wall or by two separate walls with intervening space in between them.'

14. In the above case the Supreme Court construed the word 'building' under a different context for the purpose of Section 10(3)(c) of the Act. The facts of the said case are entirely different from the facts of the case on hand. Further Section 10(3)(a)(iii) and Section 10(3)(c) of the Act provide for eviction under two different situations and the ratio laid down in Gangaram's case while dealing with a case under Section 10(3)(c) cannot be of any assistance to the present case arising under Section 10(3)(a)(iii) of the Act. It is well settled that a judgment of the Court has to be read in the context of questions which arose for consideration in the case in which the judgment was delivered (vide Director of Settlements, A.P. and others v. M.R, Apparao and another, 2002 (2) Supreme 584.

15. The learned Counsel for the petitioner also relied upon a decision of a learned single Judge of this Court in *Arjun Dass v. Mcmdanlal Modi* (supra). In the said case three different tenants were in occupation of three blocks of a building. The three blocks were bearing different Municipal numbers. The landlord sought eviction of all the three tenants simultaneously by filing three eviction petitions on the ground of bona fide requirement for personal occupation. The contention raised by the tenants is that each one of the block is a self contained unit and constitutes building within the meaning of Section 2(iii) and the landlord is not entitled to seek possession of all the three blocks but he has to choose one of the blocks. The tenants could not succeed before the Rent Controller and the appellate authority, but in the revision petition a learned Judge of this Court held that each block shall be considered as a building and therefore the landlord is entitled for eviction of one of the blocks and accordingly remanded the matter to be reconsidered by the original authority.

16. The learned Counsel for the petitioner while placing reliance on the above decision contends that the principle laid down in the said case while dealing with a petition for eviction under Section 10(3)(a)(iii) is directly applicable to the facts and circumstances of the present case. I am unable to agree with the contention of the learned Counsel.

17. It is pertinent to note that the correctness of the view expressed by the learned single Judge in *Arjun Dass* case was considered by a Division Bench of this Court in *B. Artho Thyadi v. G. Kainaraju*, 1988 (2) ALT 109. The Division Bench while disagreeing with the view expressed by the learned single Judge overruled the decision in *Arjun Dass* case, and held that even if each of the block is a building within the meaning of the Act if the landlord is able to establish that he requires the integrated unit for his occupation, in the context the entire integrated unit must be taken as a building and the eviction petition is maintainable for possession of the entire building. Hence the contention of the learned Counsel for the petitioner based on the decision of the learned single judge *Arjun Dass v. Mandanlai Modi* (supra) cannot be accepted.

18. The next decision relied upon by the learned Counsel, Rawalmal Naraindas & Sons v. V.B. Amarnath and another (supra) relates to a case in which eviction was sought under Section 10(3)(a)(iii) of the Act on the ground of bona fide requirement of the landlord. In the said case the ground floor of the building bearing separate door Number was let out to the tenant and the first and second floors of the same building were in the occupation of the landlord. The tenant contended that the landlord being in occupation of another non-residential building of his own was not entitled to seek possession of portion in his occupation. The tenant also contended that the whole of the building was to be considered as a non-residential building and the landlord is not entitled to the order of eviction. Both the Rent Controller and the appellate authority recorded a finding of fact that the building situated in the first and second floor is only a residential building where the landlord and his family members are residing and simply because the landlord has chosen to set up his office for doing his business by way of temporary arrangement, it cannot be treated as non-residential building. On a civil revision petition preferred by the tenant, this Court refused to interfere with the said concurrent finding of fact and confirmed the eviction ordered by the Courts below. When the matter was carried to the Supreme Court, a new contention was raised on behalf of the tenant that the entire building is a single unit, and therefore, the provision applicable in the case is Section 10(3)(c) but not Section 10 (3)(a)(iii), the Supreme Court rejected the said contention observing that the tenant is not justified in contending that the entire building is a single unit though having a different door numbers for different portions. The said observation made in the particular facts and circumstances of the said case does not lend support to the contention raised by the petitioner in the present case.

19. As can be seen none of the cases cited by the learned Counsel dealt with the question whether the landlord in a petition filed under Section 10(3)(a)(iii) can seek eviction of more than one building. As a matter of fact that question does not arise even in the case on hand. On a careful analysis of the facts in the present case the only question that arises for consideration is whether the petition schedule premises which consists of three mulgies bearing separate door numbers constitute a single unit and whether the eviction ordered by the learned Rent Controller and affirmed by the Appellate Authority is justified?

20. It is pertinent to note that in the instant case the eviction petition has been filed under Section 10(3)(a)(iii)(b) seeking possession of the premises in occupation of the tenants on the ground that the landlady requires the same for the purpose of business intended to be commenced by her sons. It is true that the petition schedule premises consists of three mulgies bearing Municipal Nos. 5-8-185, 5-8-186 and 5-8-187 wherein the tenants are running a business under the name and style, Mangal Resturant and Bar. However the last written lease deed dated 25.5.1987 which is not in dispute shows that ail the three mulgies are leased out under a composite lease deed on a combined rent. Further admittedly the three mulgies, which are contiguous, are having internal passages among them and they are covered by a single roof. That apart the tenants themselves took a specific plea that thepetition schedule premises consists of three mulgies on front side and open backyard behind the mulgies wherein they have put up a shed. Thus it is apparent that the three mulgies structurally constituted a single unit and admittedly the tenants are using the entire premises for a common purpose of running their business of Bar and Restaurant. Hence there is absolutely no reason* to hold that the three mulgies constitute separate units. That was never the intention of either the tenant or the landlord. The crucial test is the factum of letting out all the mulgies together for being used as a single unit for a common purpose and the intention of the parties. In the facts and circumstances of the present case the mere fact that three mulgies are bearing separate door numbers cannot be taken as a determining factor, but the user of the premises is the criterion to determine whether all the three mulgies constitute a single building within the meaning of Section 2(iii) of the Act.

21. In this context it is relevant to refer to the following observations made by a Division Bench of this Court in B. Artho Thyadi v. G. Kamaraju (supra).

'.. Section 2 starts by saying 'unless the context otherwise requires'. The definition is thus subject to contextual position. Therefore, it follows that where the context requires, the entire building being construed as one integral unit, it would not be appropriate to view the building as consisting of several units and not as one single integrated unit or structure. There is nothing in Section 10 (3) (a) (i) or Section 10(3)(a)(iii), which precludes a landlord seeking possession of the entire

building let out to different tenants if his requirement is bona fide. Whether the requirement is bona fide or not is a question of fact, which has to be determined in each case. If the context in a particular provision requires that the word 'building' should not be understood as defined under Section 2 (iii) of the Act certainly it is open to the Court to give the normal, natural and ordinary meaning which it is capable of. We are therefore of the view that the landlord can seek possession of the entire building or any one or more portions of the building depending upon his requirement and if the competent authority is satisfied that the requirement is bona fide, he can be put in possession of the integrated unit'.

Hence the irresistible conclusion is that the petition schedule premises though consists of three mulgies with separate door numbers constitutes a single unit and the eviction ordered by the Rent Controller as affirmed by the appellate Authority under Section 10(3)(a)(iii) is proper and in accordance with law.

22. Even on merits of the case it is to be noted that the son of the landlady who is holding Special Power of Attorney on behalf of the landlady has been examined as PWI and spoke to the averments in the eviction petition. He categorically deposed that the petition schedule premises is required for their personal occupation for the purpose of the business intended to be commenced by them. Ex.PI is the original Power of Attorney, which PWI is holding on behalf of his mother/landlady. The 2nd respondent got examined himself as RWI and deposed that PWI is an agriculturist and his brother is already running an institute in computers and therefore the plea as to the bona fide requirement is not genuine. In support of his contention, RWI marked Ex.R5, which is CC of pahani of the year 3990 to show that certain extents of lands stand in the name of the father of PWL RWI also filed Ex.RI and Ex.R6 to Ex.R10 to show that the younger brother of PWI was running a Computer Institute by name Latha Computers Institute. On appreciation of the oral and documentary evidence on record the learned Rent Controller declined to accept the contention of the respondents observing that there is no material to show that PWI was settled in agricultural work at his nativeplace and that his younger brother was carrying on computer business. Accordingly a finding has been recorded that both the sons of the landlady are unemployed and that the requirement of the landlady for the purpose of carrying on business of her sons is bona fide. The learned Rent

Controller also found that the landlady is not in occupation of the non-residential mulgi to run their business in the twin cities. The said finding of fact recorded by the learned Rent Controller has been upheld by the appellate authority. I do not find any ground to interfere with the said concurrent finding of fact. Therefore both the Rent Controller as well as the Appellate Authority rightly ordered eviction on the ground of bona fide requirement of the landlady.

23. The next contention of the learned Counsel for the petitioner is that additional accommodation secured by the tenants does not constitute alternative accommodation making them liable for eviction under Section 10(2Xv) of the Act. In this regard it is to be noted that the specific plea of the landlady in the eviction petition is that the tenants have already secured alternative mulgies adjacent to the petition schedule premises where they are running the hotel business and as such, they are liable to be evicted on that ground also. On the other hand the tenants have taken a plea in their counter that they are still carrying on business in the petition schedule premises and they, have not ceased to occupy nor they secured any alternative building as alleged. According to them the brother of the tenants by name Prudvi Raj is carrying on hotel business adjacent to the petition schedule premises since a long time as a tenant and they are in no way concerned with it. To substantiate her contention the landlady examined PWs.2 and 3. PW2 is the Assistant Manager of Vijaya Bank, Public Garden Road, Hyderabad, who was summoned by the learned Rent Controller. In his deposition he stated that the tenants are having a Current Account with the Bank and the said Account was opened in the name of Mangal Vihar Restaurant and that in the application form submitted for opening the Account, the names of both the tenants are shown as partners of the firm. He also stated that M/s. Mangal Bar and Restaurant which is a Partnership firm was already having Cash Credit Account with their Bank. The said firm is represented by RWt. The landlord also examined PW3, who is the Treasurer of Church of South India, Trust Association Dioceses Dornakal. Warangal. In his evidence he stated that Devi Pershad, Respondent No.1 and his brother Pnitvi Raj obtained two mulgies to run the business of Restaurant under the name and style of M/s. Mangal Vihar Restaurant. That apart, the 1st floor of the said two mulgies was also let out to one Koran Pershad, i.e., the 2nd respondent to run the business known as Mangal Vihar Restaurant. The

two lease deeds executed in respect of the said two mulgies as well as the 1st floor were marked as Exs.X6 and X7. It is an undisputed fact that the said two mulgies and the 1st floor obtained on lease from the Church of South India, Trust Association Dioceses Dornakal, Warangal are situated by the side of the petition schedule premises wherein a restaurant by name Hotel Mangal Vihar is being run. On the basis of the evidence on record, particularly with regard to the evidence of PWs.2 and 3, coupled with Exs.X1 to X7 and Exs.P3 to P7, the learned Rent Controller recorded a finding that the tenants and their brother Prudvi Raj obtained two mulgies together with first floor which are situated by the side of the petition schedule premises for the purpose of running Mangal Vihar Restaurant. In the circumstances the learned Rent Controller did not accept the plea of the tenants that the new building secured does not amount to securing an alternative building within the meaning of Section 10(2)(v) of the Act and held the landlady has successfully established that the tenants secured alternative accommodation to run their business of Restaurant adjacent to the petition schedule premises. The said finding has been affirmed by the appellate authority.

24. The learned Counsel for the petitioner while placing reliance upon a decision of a Division Bench of this Court in *S. Ramalakshamma v. Lakshmi General Stores*, 1974 (2) APLJ 73, contended that the finding recorded by both the Courts below is erroneous and in the facts and circumstances of the present case it must be held that the premises secured by the respondents, adjacent to the petition schedule premises is only an additional accommodation for the purpose of expansion of their business and not as an alternative building within the meaning of Section 10(2)(v) of the Act.

25. I am unable to accept the said contention of the learned Counsel for the petitioner in view of the fact that the tenants have never raised such a plea before the Courts below. In the counter while denying the allegations of the landlady that they have secured alternative building for the purpose of their business the tenants stated that their brother by name Prulvi Raj is carrying on his hotel business adjacent to the petition schedule premises and that they have nothing to do with the same. The landlady by examining PWs.2 and 3 and by marking Exs.X1 to X7 and Exs.P3 to P7 has established that the new premises adjacent to the petition

schedule building was taken on lease by the respondents themselves and they are carrying on hotel business under the name and style 'Mangal Vihar Restaurant'. In the absence of any pleading by the tenants that the premises taken on lease by the side of the petition schedule premises is for expansion of their business as additional accommodation, but not as an alternative accommodation and in the light of the positive evidence let in by the landlady in support of her plea that the tenants are liable to be evicted under Section 10(2)(v), the Courts below have rightly decided the said point in favour of the landlady. There is absolutely no dispute as to the principle laid down in *S. Raitialakshamma v. Lakshmi General Stores* (supra), however, in my considered opinion the same does not attract to the facts and circumstances of the present case. Hence I do not see any reason to disturb the finding recorded by the Courts below that the tenants are liable to be evicted under Section 10(2)(v) of the Act.

26. The learned Counsel for the petitioner raises yet another contention that since the landlady has not come into the witness-box and did not depose in support of the averments in the eviction petition she is not entitled to an order of eviction. In support of his contention the learned Counsel placed reliance upon *K. Bharathi v. Labour Officer*, : 1999(3)ALD420 , *Solar Juag Museum v. Aliya Talat*, : 2000(6)ALD70 . According to the learned Counsel PW1 who is holding General Power of Attorney on behalf of the landlady can be examined in his personal capacity as a witness but he cannot depose in substitution of the landlady. As such he contends that the averments in the eviction petition cannot be said to be proved on the basis of the evidence of the said General Power of Attorney alone.

27. The learned Counsel for the respondent while resisting the said contention relied upon *Ramkubai v. Hajarimal Dhokakhand Chandak*, : AIR 1999 SC3089 and submitted that the fact that the landlady herself did not come into the witness-box to support her claim does not make any difference in the facts and circumstances of the present case and that the Courts below have rightly ordered eviction on the basis of the evidence of PW1. I find force in the submission of the learned Counsel for the respondent. The Supreme Court in *Ramkubai v. Hajarimal Dhokalchand Chandak* (supra) has dealt with a similar situation wherein eviction was sought on the ground of bona fide requirement of the landlady for the purpose of business to

be set up by her son. In support of the claim the son of the landlady who was also her General Power of Attorney holder was examined. Though the plea of bona fide requirement of the landlady was accepted by the trial Court, it was negated by the appellate Court on the ground that the landlady herself did not come into the witness-box to support her claim. The said order was confirmed by the High Court. The Supreme Court while allowing the appeal of the landlady and holding that the reasoning of the appellate Court cannot be supported, observed that:

'...The appellate Court was swayed away by the fact that the landlady herself did not come into the witness box to support her claim. What is not appreciated by the Appellate Court is that her son Bhikchand who was also her G.P.A. holder and for whose benefit the business is to be set up, did come into the witness-box to support the case of bona fide requirement. The Appellate Court was of the view that the bona fide requirement is in the first place a state of mind and might be something more and that could be established only by the landlady/'

28. The facts and circumstances of the present case are identical and the observations made by the Supreme Court would directly meet the contentions raised by the petitioner. It may be noted that the landlady sought eviction of the tenants on the ground that the petition schedule premises is required for the purpose of business intended to be commenced by her sons. The eldest son who is holding the General Power of Attorney on behalf of his mother was examined as PW1 and deposed as to the averments in the petition with particular reference to the bona fide requirement. Therefore, the Courts below have rightly relied upon the evidence of PW1 and it must be held that the finding recorded that the petitioner has successfully established the ground of bona fide requirement, cannot be said to be erroneous or without any basis.

29. For the aforesaid reasons, the orders of both the learned Rent Controller as well as the appellate Authority are in accordance with law and I do not find any ground to interfere with the same in exercise of the revisional jurisdiction under Section 22 of the Act. I am satisfied that the respondent/ landlady has established the ground of bona fide requirement as well as the ground that the tenants have secured alternative accommodation for their business, and therefore she is entitled

to recover possession of the petition schedule premises from the petitioners herein. Accordingly the order of eviction is confirmed and the Revision Petition is dismissed. However, taking into consideration that the tenants-Revision Petitioners are carrying on business in the petition schedule premises, I deem it appropriate to grant two months time for vacating the premises, subject to their furnishing an undertaking on or before 17.6.2002 before the learned Rent Controller undertaking that they would deliver vacant possession of the petition schedule premises within two months from today. The petitioners shall also pay the agreed rents regularly till the vacant possession of the premises is handed over to the landlady.

30. The civil revision petition is accordingly dismissed. There shall be no order as to costs.

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