

**IN THE COURT OF THE ADDITIONAL CHIEF JUDGE, CITY SMALL
CAUSES COURT, HYDERABAD.**

Dated this Tuesday the 16th day of July, 2019.

**PRESENT: Mr. M.V.RAMESH,
Chief Judge
Addl.Chief Judge (FAC)**

RCA.No.34 of 2017 & RCA No.1 of 2018
(Appeal by the tenant) (Cross-appeal by the landlord)

RCA.No 34 of 2017

Between

Syed Siraj Ul Haq s/o Syed Moin Ul Haq
66 years, Business, Tenant in shop No.20-4-150,
Shah Ali Banda, Hyderabad. .. Appellant
(Respondent & Tenant in R.C)
and

Syed Zafar Ali S/o Syed Osman Ali,
63 years, Household, R/o H.No.19-4-294/D
Vattepally, Hyderabad. .. Respondent
(Landlord & Petitioner in R.C)

RCA.No.1 of 2018

Between

Syed Zafar Ali S/o Syed Osman Ali,
65 years, Household, R/o H.No.19-4-294/D
Vattepally, Hyderabad. .. Appellant
(Petitioner & Landlord in R.C)
and

Syed Siraj Ul Haq s/o Syed Moin Ul Haq
66 years, Business, Tenant in shop No.20-4-150,
Shah Ali Banda, Hyderabad. .. Respondent
(Respondent & tenant in RC)

***BOTH Appeals against the orders, dated 28-12-2016 passed in R.C.No.24 of
2015 on the file of the IV Additional Rent Controller, City Small Causes
Court, Hyderabad.***

Between

Syed Zafar Ali ... Petitioner
and

Syed Sirajul Haq ... Respondent

The present two appeals having listed on 24-6-2019 before the Appellate Authority for final hearing in the presence of Mr.Farooque Salauddin, Advocate for the tenant and Mr.Chamala Srinivas, Advocate for landlord in both the appeals and the matter having been stood over for consideration till this day, this Court delivered the following:-

COMMON JUDGMENT

In view of the commonality of the facts, parties, subject matter, points involved in both the appeals and since the appeal & cross-appeal arisen out of the orders, dated 28-12-2016 passed in R.C.No.24 of 2015 on the file of the IV Additional Rent Controller, City Small Causes Court, Hyderabad, under Sec.4(1) of the Andhra Pradesh Buildings (Lease, Rent & Eviction) Control Act, 1960 (for short 'the Act'), (as adopted by the State of Telangana from 1-6-2016 vide GO.Ms.No.45 Law (f) dated 1-6-2016) these two appeals are fit to be disposed of by way of common Judgment.

2. Aggrieved by the orders, dated 28-12-2016 passed in R.C.No.24 of 2015 on the file of the IV Additional Rent Controller, City Small Causes Court, Hyderabad, under Sec.4(1) of the Act determining the fair rent at Rs.6,300/- per month in respect of non-residential premises bearing municipal shop No.20-4-150, situate at Shah Ali Banda, Hyderabad, (in brevity -the PSP-), the tenant preferred RCA.No.34/2017 under Sec.20 of the Act against the landlord with a prayer to allow the appeal by setting aside the impugned orders under which the Trial Court determined the fair rent from Rs.2,000/-pm to

Rs.6,300/-per month (i.e., Rs.42/-per sft x 150 sft = Rs.6,300/-)., with periodical enhancement of rent at 16% for every three years on the existing rate of rent from February, 2015 onwards. Whereas the landlord preferred cross-appeal vide RCA.No.1 of 2018 under Order-41 Rule-22 r/w Sec-151 of the Code of Civil Procedure against the tenant with a prayer to allow the cross-appeal and revise the fair rent by determining the same at Rs.10,000/-per month from the date of filing of the RC, in the interests of justice.

3. For the sake of convenience the parties in these appeals herein after are referred to as 'tenant' and 'landlord'.

4. The trial Court framed the following point for determination:-

- 1) Whether there are circumstances to fix the fair rent of the petition schedule property ?
- 2) To what relief ?

5. During the course of trial before the IV Additional Rent Controller, City Small Causes Court, Hyderabad, the landlord examined himself as PW1 and got marked Exs.P.1 to P.7 documents on his behalf. In support of the defence of the tenant, the tenant examined himself as RW.1; the tenant also examined two other witnesses as RW2 & RW3 in support of his case and got marked no documents.

6. Heard both the learned counsel and perused the material available on record including the impugned orders.

7. POINTS FOR DETERMINATION:

1. Whether the impugned orders, dated 28-12-2016 passed in R.C.No.24 of 2015 on the file of the IV Additional Rent Controller, City Small Causes Court, Hyderabad. suffer from any material irregularity or illegality?

2. To what relief and costs?

8. Before addressing to the rival contentions of the parties, let us have a quick look to the admitted facts which are important and germane under Sections-17 and 58 of the Indian Evidence Act:-

ADMITTED FACTS

- a. The jural relationship of landlord and tenant between the parties in respect of the PSP which is a non-residential premises and quantum of monthly rent at Rs.2,000/- as on the date of filing of the RC.No.24 of 2015 are not in dispute.
- b. The jural relationship of landlord and tenant between the parties has been materialized under a registered Rental agreement, dated 15-2-2016 (Ex.P.7) in respect of the PSP and the initial monthly rent was at Rs.1200/- and the monthly rent was enhanced from time to time.
- c. The PSP shop is located at Shalibanda, Hyderabad, which is in old city of Hyderabad Metropolitan which is just less than 1 KM away from the Charminar which is a historical monument of Hyderabad city and the PSP building consists of ground + one upper floor consisting of 8 shops in each floor.
- d. The PSP shop is situate in a commercial locality and the tenant is carrying on Hardware & Welding works business in the name and style of 'Shah Gas Agencies' as seen from Exs.P.2 to P.4-Photographs pertaining to the PSP shop. As rightly

described in the rough sketch of the PSP in Ex.P1, on the northern side of the PSP the stair case to the first floor is provided and the PSP shop as shown in red colour in Ex.P1 is facing towards the main road on eastern side.

- e. In respect of the selfsame subject matter and between the same parties, Eviction proceedings were also initiated by the landlord vide RC.No.123/2014 on the file of the II Additional Rent Controller, City Small Causes Court, Hyderabad, on the grounds of wilful default in payment of monthly rents and securing alternative accommodation and the same was allowed under Sec.11(4) of the Act on 31-10-2014 for committing default in payment of monthly rents by the tenant pending RC proceedings and accordingly summary eviction of the tenant was ordered. Aggrieved by the said summary eviction orders, the tenant preferred an appeal vide RA.No.245 of 2014 on the file of this Court and the same was dismissed on 21-6-2015. Against the dismissal orders passed by the Appellate Court, the tenant preferred CRP on the file of the Hon'ble High Court and the same is pending for consideration.
- f. It is also an admitted fact that the selfsame tenant is also the owner of three other shop rooms in the same locality (as admitted by the tenant as RW1 in the cross-examination, dated 1-4-2016)

POINT NO.1

RCA.No.34 of 2017
(Tenant appeal)

9. The appellant-tenant raised grounds of appeal, inter-alia, stated that the impugned orders were passed by the learned Rent Controller on assumptions, presumptions, surmises and conjectures

as the Court below failed to determine the fair rent for the PSP shop in right perspective manner of the matter as the landlord failed to establish the extent of the PSP as 150 sft and in fact the extent of the PSP shop is only 80 sft; that the learned Rent Controller erroneously given a finding that the prevalent market rent is at Rs.42/-per sft and the learned Rent Controller failed to appreciate that the PSP shop is situate in a remote corner of the locality where hardly no scope of doing any business is available and that the PSP shop is being used only for godown purpose and the same is suitable for godown only and therefore the determination of fair rent at Rs.42/-per sft is irrational, unreasonable and it is not consonant with the prevailing market rents in the locality of the PSP.

RCA.No.1/2018
(Cross-appeal by the landlord)

10. The landlord raised grounds of appeal, inter-alia stating that the learned Rent Controller has failed to consider that the landlord has proved his case by filing oral and documentary evidence establishing that the PSP would fetch monthly rent of Rs.10,000/- and that the rent now being paid by the tenant is not just and unreasonable rent and the learned Rent Controller failed to appreciate various factors including location of the property, nearness to the commercial establishments, age of the building, size & utility of the PSP, prevailing market rents in the locality, amenities provided to the PSP building, reliable data and evidence available on record and

therefore the cross-appeal preferred by the landlord is fit to be allowed and revise the fair rent determined from Rs.6,300/- to Rs.10,000/-per month.

11. PW1, who is no other than the landlord himself examined as PW1 and got relied on Exs.P.1 to P7 in support of the application under Sec.4(1) of the Act and PW1, inter-alia, stated that he let out the PSP shop to the tenant on 15-2-2016 on a monthly rent of Rs.1200/- exclusive of electricity consumption charges and municipal taxes; that the tenant himself executed the said rental agreement on 15-2-2016 under Ex.P7 in his favour and the PSP was let out to the tenant for business purpose. PW1 stated that for the past 10 years drastic changes have been taken place; that the rates of all consumables, movable & immovable properties, Gold, Silver, Food grains, cost of Construction are increased and the Wages of labour was also increased 500 to 1000 times; that the present cost of mineral water bottle is Rs.20/- and one liter milk is at Rs.60/- but the tenant is paying meagre rent at Rs.2,000/- per month as on the date of filing of the RC petition and the extent of the PSP shop is 250 sft.

12. PW1 further stated that the areas like, Shalibanda, Gulzar House, Lad Bazar, Charminar, Pattargatti and Madina are all commercial areas attracts so many Tourists from all over the World; that there are historical monuments in and around the PSP and apart from the Charminar, there is Chowmohalla Palace near the PSP

building and the same was converted as private Museum. PW1 further stated that there is Macca Masjid Mosque near the PSP; that there is Lad bazar at a distance of 100 meters away from the PSP which is famous for LAK bangles;; that there is Zari market, Jewellery market near the PSP and the PSP building is very near to the Pattargatti, Rikabgunj and Patel market which are the biggest textile markets in wholesale and retail in both the Telugu States of Telangana and Andhra Pradesh and the said areas are also famous for Crockery business. PW1 further stated that in and around the PSP there are several local and migrated Goldsmiths from different parts of the Country who are having workshops and they used to supply finished products to the Jewellery which is also being exported.

13. Further, PW1 stated that apart from the commercial establishments in the locality, there are Banks, Educational Institutions, Petrol bunk, City bus stand and Hospital; that there is huge influx of customers and there is high density of shop rooms in and around the said area. It is also pleaded that during the Ramzan festival season from Madina to Shalibanda there is buzzing with business activities; that the PSP is situate near the Pista House which is famous Hotel and Bakery in the Country and other Countries and it is a premium locality; that near the PSP shop there is Unani Hospital, Salarjung Musuem and High Court and these monuments are the Icons of Hyderabad city and therefore taking into consideration of the above facts, the PSP shop would easily fetch monthly rent at

Rs.10,000/-per month as the PSP is situate on the main road where every inch of space matters and apart from that there are auto stands and frequent transport facility connecting to all the areas available in the locality.

14. PW1 also stated that the cost of living has gone up and money value has come down considerably and taking into consideration the location of the PSP and the prevailing market rent in the locality for the similar accommodation the PSP would easily fetch Rs.10,000/-per month as the tenant has been using the PSP shop room for commercial purpose and the rent being paid by the tenant is very meagre. It is also stated by PW1 that the land value has been increased elaborately and at present it is very difficult to get similar accommodation in the said area even by paying huge deposit and high rent.

15. On the other hand, the sole tenant himself examined as RW1 corroborating the averments of the counter admitting the jural relationship of landlord and tenant between the parties, disputing topography of the PSP as shown in Ex.P.1-Rough sketch plan; that the PSP is not facing towards main road and it is situate in a lane at about 100 meters away from the main road; that there is open space space in between the PSP shop and the main road; that the said open space is being enjoyed by the neighbour tenants for parking their vehicles and also by Pista House, reputed Bakers, Confectioners & Hotel which

ultimately have an adverse impact on the potentiality of the PSP shop. RW.1 also stated that the PSP shop and adjacent shops in the building are being used for godown and stores purpose.

16. RW1 further stated that the PSP shop is situate in a corner of the old city which in fact seen degradation of the values and lost its glory; that the area of Shalibanda where the PSP is situate became a slum; that the old city people always devour taking the route of Shalibanda as the said area is covered by sharing autos, push cart vendors, petty vendors, footpath business vendors, etc., and therefore this part of the city is blocked and breathing for air which is adverse impact on the busienss. RW.1 also stated that the road at Shalibanda is inaccessible to common residents of the locality and the PSP is situate at about one kilometer away from the Charminar, Chowmohalla Palace and other places. It is pleaded by RW.1 that the PSP building was constructed by Quli Qutub Shah Urban Development Authority and allotted the shops to the persons whose shops were effected in road widening at Shalibanda at about 30 years ago; that there are no commercial establishments and Educational Institutions near the PSP and so the rent payable by the tenant is reasonable and therefore the demand made by the landlord is unreasonable and unsustainable in law.

17. In the light of the above backdrop of the evidence of the parties and with reference to the pleadings, prima-facie, it can be said

without any doubt and hesitation that the tenant for the first time raised a plea disputing the extent of the PSP by contending that the extent of the PSP is not 150 sft and it is only 80 sft shop. Prima-facie, the said plea raised by the tenant for the first time at the Appellate stage cannot be considered for want of pleadings and reliable evidence. Even otherwise, the tenant has not taken any legal steps to establish that the extent of the PSP is only 80 sft and not 150 sft at least by taking an independent Commissioner to measure the PSP on the basis of reliable documentary evidence in the presence of both the parties. However, it was elicited from the cross-examination of PW1, dated 31-8-2015 at page no.2 that the extent of the PSP is 250 sft but he has mentioned in the schedule of the eviction petition that the extent of the PSP is 150 sft. Thus viewed from any angle, the said plea raised by the tenant as regards to the extent of the PSP shop room is not sustainable both on facts and law.

18. In the light of the aforesaid evidence in chief of the parties, let us have a glance and bird's eye view of various beneficial points that were elicited from the cross-examination of PW1 & RW1 which are not only enlightening on the locational advantage of the PSP, nature of potentiality of the PSP, amenities that were provided to the PSP building, size & utility of the PSP and so on and so forth important particulars. In the cross-examination, dated 31-8-2015 PW1 stated that the tenant is carrying on Hardware business as well as Welding gas business in the PSP shop (as per Exs.P2 to P6-Photographs it

reveals that the tenant is doing business in the name and style of “Shah Gas Agency, Industrial and Special Gas, etc and all types of Welding Accessories & Equipments situate at Shalibanda Road, Hyderabad); that at the inception of the tenancy, the monthly rent was at Rs.1200/- and the same was enhanced to Rs.2,000/-per month and except the PSP shop there is no other shop owned by the landlord in the twin cities. PW1 admitted that generally the rents will be increased at 10% per annum for the commercial shops on the existing rate of rent; that the tenancy was commenced in the year 2006 and in 2006 periodical enhancement of rent was at 5% per annum. Further it was elicited and the same was admitted by PW1 in the same cross-examination that the PSP is situate on 100 feet main road; that the palace of Manzil Begum is situate on the western side of the PSP; that the tenant owned four other shop rooms in the same building on northern side of the PSP.

19. Further, in the cross-examination of PW1, dated 9-11-2015 it was elicited that the PSP building is situate opposite to one Asra Hospital and at a distance of 100 meters from the PSP there is Shalibanda Petrol Pump on the main road of Shalibanda. Prima-facie, the aforesaid beneficial points elicited from the cross-examination of PW1 are not only lending support to the case of the landlord but also to the findings recorded by the Court below in respect of topography of the PSP shop as pleaded in the pleadings and evidence of PW1 as well as the extent of the PSP shop.

20. It is also important to be mentioned here that from the cross-examination of RW.1, dated 11-4-2016 the tenant admitted in categorical terms that there is stair case on the northern side of the PSP which is correctly described in Ex.P1-rough sketch and it is true and correct. The tenant also admitted that the main road is situate at about 100 feet away from the PSP; that there is parking place in between the PSP shop and main road; that the main road situate on the eastern side of the PSP running from Charminar to Shalibanda and there are shops on the main road on eastern side. RW.1 also admitted about the rental agreement-Ex.P.7 executed between the parties on 15-2-2006. Further in the cross-examination, dated 8-8-2016 RW.1 also admitted that Ex.P.2 to P.6-photographs pertains to the PSP and in Ex.P.2-photograph 'Pista House' shop is situate at 40 feet away from the PSP; that the said Asra Hospital' is at 40 feet distance from the PSP after crossing the main road; that Ex.P.3-photograph shows the commercial shops in the Asra Hospital building; that Ex.P4-photograph showing the PSP outlined in red colour with sign board of Shah Gas Agencies which is owned by the tenant is clearly shown in the photograph. The tenant also admitted in the same cross-examination that he is doing Gas Agency business and there is parking place in between the PSP and the main road as shown in Ex.P5-Photograph. Further the tenant admitted that he himself and his brother are having four other shop rooms in the same building. RW.1 also admitted that there is one Fruit Juice shop on the other side of the main road and he is paying rent of Rs.15,000/-per month.

The aforesaid admissions of RW.1 coupled with the features shown in Exs.P.2 to P.6 photographs are relevant, important and it is more than thousand words to appreciate the locational advantage of the PSP, size & utility of the PSP, nature of commercial potentiality existing at the locality, accessibility to the main road and that there is wide space for parking in front of the PSP and it also reveals without any doubt & hesitation that the tenant & his brother have jointly owned four other shop rooms in the same complex.

21. Further, in the cross-examination, dated 8-8-2016 RW.1 further pleaded ignorance by stating that he is not aware whether the Fruit Juice tenant is paying rent at Rs.15,000/-per month. Therefore, the tenant is not denying the prevailing market rent at the locality for similarly situate shop rooms for more than Rs.10,000/-per month as the said Fruit juice shop is situate just opposite to the PSP shop and on other side of the main road.

22. RW.1 further admitted in the same cross-examination that the Syndicate Bank, Narayana Junior College and Gowtam Junior College are located at a distance of one furlong away from the PSP shop. He also admitted that in the first floor of the said complex wherein RW1 possessed four shop rooms jointly along with his brother were given to the Travel Agency office. RW.1 further admitted in categorical terms in the same cross-examination that at about two furlongs distance from the PSP the Historical Monuments like

Charminar, Chowmahalla palace and Macca Masjid are situate; that the Lad bazar, Patel Market, Pattargatti and Rikab gunj which are renowned and famous business places are located at about just $\frac{1}{2}$ kilometer away from the PSP. RW.1 also admitted that there are no shop rooms vacant in the PSP building and he is only the tenant in the said building. He has further admitted that the four shop rooms owned by him and his brother are not let out to the tenants but they are doing business in the said shop rooms.

23. Further, RW.1 admitted in the same cross-examination that since 2006 all the prices of commodities have been increased and the price of the Gas cylinder also increased from Rs.150/- to Rs.200/- and so also the tenant admitted the rental agreement, dated 15-2-2006 executed between the parties.

24. The aforesaid admissions of RW.1 are self explanatory in nature amply lending support to the case of the landlord including that for the past 10 years drastic changes have been taken place and thereby the rates of all the items i.e., Land, Gold and Silver, Food grains, cost of Construction, Wages of labour have been enhanced multi fold and at present the cost of Mineral water bottle is at Rs.20/- and the cost of one liter milk is at Rs.60/-. It also reveals that the PSP is situate in the heart of city of Hyderabad and commercial locality of Shalibanda and it is needless to say that nearby the localities, like, Shalibanda, Gulzar House, Pattargatti, Lad bazar,

Charminar and Madina are the potential commercial areas attracts Tourists from all over the World and as rightly admitted by RW1 there are historical monuments in and around the PSP including Chariminar, Chowmahalla palace, Ladbazar which is known and famous for LAK bangles business and more over, the PSP building is near to the Pattargatti, Rikabgunj and Patel market which are the biggest Textile markets in both the Telugu Speaking States.

25. The aforesaid oral and documentary evidence and categorical admissions made by the tenant leading to the fact that apart from the Historical Monuments & potential commercial locality, there are other commercial establishments, Banks, Educational institutions and thereby there is huge influx of customers and also there is high density of the shops in the locality of Shalibanda and it is judicially noticeable fact that during the Ramzan festival season the localities from Madina to Shalibanda are buzzing with business activities. It is also an admitted fact that the Pista House, which is famous hotel and bakery is also situate adjacent to the PSP and apart from that there is Unani Hospital, Macca Masjid, Salajung Museum and High Court which are admittedly Historical monuments and Icons to the city of Hyderabad.

26. The learned counsel for the landlord contended that one cannot easily fetch a shop room for rent in the locality of the PSP unless the tenant shell down huge deposit of minimum Two Lakh

rupees by the year 2016 itself and the monthly rent is not less than Rs.15,000/-per month. When the learned counsel for the landlord confronted to the tenant with the said suggestions RW.1 admitted in the cross-examination, dated 8-8-2016 and stated that he is having experience in the business for the past 10 years and he is not ready to vacate the PSP even though he was offered Rs.50,000/- towards goodwill by the landlord and categorically stated that for securing any other shop in the said locality he has to deposit Two Lakhs of rupees to get a shop room on lease. Thus the Trial Court failed to take into consideration the aforesaid categorical admissions made by the tenant himself, nature of the building, amenities provided to the building, locational advantage of the building, wide range of parking place available in front of the PSP, potential commercial locality, size & utility of the building, nature of shop and deposits towards goodwill apart from the prevailing market rent in the locality in complete perspective manner and thereby the learned Rent Controller enhanced the monthly rent for the PSP from Rs.2,000/- to Rs.6,300/- per month only by determining the fair rent at Rs.42/-per sft x 150 sft and the learned Rent Controller ought to have determined the fair rent at least at Rs.10,000/-per month as the prevailing market rents for the similarly situate shop rooms is at about more than Rs.15,000/-per month as on the date of filing of the RC application and thus this Court finds sufficient and valid grounds in the cross-appeal preferred by the landlord vide RCA.No.1 of 2018.

27. In this case, it is quite important and indispensable to produce rebuttal evidence by the tenant by examining any one of the neighbours in the same complex to establish that the prevailing market rent in the locality of the PSP is not at Rs.10,000/- per month or it is less than Rs.10,000/-per month or that the rent payable by the tenant at Rs.2,000/-per month is just and reasonable both in point of the view of the landlord and tenant. For the reasons known to the tenant, he has not examined any neighbours or ventured to take a different view as that of various categorical admissions made by PW1 & RW.1.

28. In this case on hand, in addition to the evidence of RW1 he has examined RW 2 & RW3 who have given ditto evidence without any basis by stating that they know the tenant; that the PSP is situate in a secluded area far away from the main road; that the parking place available in front of the PSP shop is being used by the adjoining hotel-Pista House; that the PSP was vacant prior to occupation by the present tenant; that the locality of the PSP is not potential one to carry on business and the monthly rent payable by the tenant at Rs.2,000/- is reasonable & sufficient. From the cross-examinations of RW2 & RW3, similar beneficial points have been elicited as regards to the locational advantage of the PSP, topography of the PSP, existence of commercial establishments, Historical Monuments at a throw away distance of the PSP. In his cross-examination, RW2 admitted that he is a customer of RW1 and he also did the business of welding works

and he has closed the same but at present he is idle and now & then he is visiting the shop of the tenant and sitting there and therefore it is evident that RW.2 is an interested witness and giving evidence only at the instance of the tenant. RW3 also admitted in his cross-examination that he is a driver by profession; that he is working in Tata Ace company; that he has no residential house; that he is the friend of RW1 and he also occasionally visiting the shop and sitting in the shop of the tenant and therefore even the evidence of RW.3 is not inspiring any confidence to assert that the monthly rent being paid by the tenant is just fair and reasonable rent.

29. Adding to the above, RW.3 deposed in the cross-examination, dated 6-12-2016 and simply pleaded ignorance by stating that per month one has to pay Rs.15,000/- towards the rent to get a shop room on lease apart from security deposit of Two Lakhs rupees in the locality of the PSP and he has not verified any rental agreement between the parties or rental receipts showing the rent of Rs.2,000/- or Rs.2,500/-per month for the shops in the said locality. Thus the evidence of RW2 & RW3 is of no help to the case of the tenant to establish that the monthly rent being paid by him at Rs.2000/-per month is fair rent. Therefore, having regard to the facts and circumstances of the case, various admissions made by the landlord & tenant in respect of the age of building, potential commercial area of the locality attracts the Tourists from all over the world, Historical Monuments are situate near the PSP as it is located at premium area

and the said Historical Monuments are nothing but Icons of Hyderabad city, size & utility of the building and since there is no enhancement of monthly rent for the past 8 to 10 years, it is a fit case to determine the fair rent at Rs.10,000/-per month as sought for by the landlord and the fair rent determined by the learned Rent Controller at Rs.6300/-per month is fit to be revised to the said extent. Thus viewed from any angle I find that there are no valid grounds and merits in the appeal preferred by the tenant vide RCA.No.34/2017 and this Court finds sufficient and valid grounds in the cross-appeal preferred by the landlord vide RCA No.1/2018 and accordingly the point is answered in favour of the landlord and as against the tenant.

POINT NO.2
RESULT & COSTS

30. In the result, RCA.No.34/2017 preferred by the tenant is dismissed with costs as devoid of merits and law and RCA.No.1/2018 preferred by the landlord is allowed with costs and the impugned orders, dated dated 28-12-2016 passed under Sec.4(1) of the Act in R.C.No.24 of 2015 on the file of the IV Additional Rent Controller, City Small Causes Court, Hyderabad, are hereby modified enhancing the fair rent from Rs.6,300/- to Rs.10,000/-per month in respect of non-residential premises bearing municipal shop No.20-4-150, situate at Shah Ali Banda, Hyderabad, from the date of filing of the RC petition (Landlord filed the application under Sec.4(1) of the Act vide

RC(SR).No.215/2015, dated 10-2-2015) with periodical enhancement of rent at 5% for every year on the existing rent.

However, to meet both ends of justice, two months' time is granted to the tenant to pay all the arrears of fair rent determined by this Court from the date of filing of the RC petition, failing which the landlord is at liberty to recover the same from the tenant by due process of law and recover the expenses incurred thereon from the tenant.

Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in the open Court on this day the 16th July 2019.

ADDL.CHIEF JUDGE (FAC)
CITY SMALL CAUSES COURT
HYDERABAD

Prabhaakar

