

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

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CIVIL REVISION PETITION No.4314 OF 2015

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ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by respondent No.2 in R.C.No.67 of 2012 on the file of Principal Rent Controller – cum – XVII Junior Civil Judge, Secunderabad, aggrieved by the order, dated 19.08.2015, passed in I.A.No.152 of 2015 in the said R.C..

The above R.C. is filed by respondent Nos.1 and 2 for fixation of fair rent. On the ground that there is an agreement of sale entered into by respondent Nos.1 and 2 with the Late father of the petitioner on 04.02.1999 with regard to the same petition schedule property and for that purpose, certain Pay Orders were also en-cashed by respondent Nos.1 and 2, in order to prove the same, petitioner has filed the present application to issue summons to the Branch Manager, South Indian Bank Limited, Diamond Point, Secunderabad Branch, for producing the following documents:

1. Pay Order bearing No.333416, dated 10.07.2007, for Rs.47,000/-.
2. Pay Order bearing No.333417, dated 10.07.2007, for Rs.48,000/-.
3. Encashment Record of above said Pay orders.

The Court below, by impugned order, dated 19.08.2015, has dismissed the same.

In this revision petition, it is contended by the learned counsel for petitioner that as there is an agreement of sale, respondent Nos.1 and 2 are not entitled to fixation of fair rent. It is further submitted that the petitioner has filed a Suit for specific performance of the said agreement of sale.

The genuineness or otherwise of the alleged agreement of sale is the subject matter of separate Suit filed for its specific performance. Further, as much as the only relief sought for in the present R.C. is for fixation of fair rent, this Court is of the view that the documents now sought to be produced, are not relevant. In that view of the matter and having regard to the reasons recorded in the impugned order, this Court does not find any merit in this revision petition, so as to interfere with the impugned order.

Accordingly, the revision petition is dismissed. Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. No costs.

R. SUBHASH REDDY, J

November 19, 2015

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