

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.4177 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendants aggrieved by the docket order and decree dated 19.08.2015 in I.A.No.296 of 2015 in A.S.No.188 of 2009 passed by the XIII Additional Chief Judge (FTC), City Civil Court, Hyderabad, dismissing the application filed by them under Order 41 Rule 25 of C.P.C., r/w. Section 151 of C.P.C., seeking to frame issue with regard to jurisdiction of the Court and refer the matter to the trial Court to decide the said issue.

2. The suit being O.S.No.2148 of 2002 filed by the respondent/plaintiff against the petitioners/defendants for eviction from the shop bearing No.4-1-945, situated at Tilak Road, Abids, Hyderabad, and for mesne profits @ Rs.350/- per day from the date of plaint to the date of delivery of vacant possession of the suit schedule premises, was decreed by the VIII Junior Civil Judge, City Civil Court, Hyderabad, vide judgment and decree dated 30.05.2009. Aggrieved by the said judgment and decree, the petitioners/defendants filed an appeal suit being A.S.No.188 of 2009 on the file of the XIII Additional Chief Judge (FTC), City Civil Court, Hyderabad. In the said Appeal Suit, the petitioners/defendants have filed the present application being I.A.No.296 of 2015 seeking to frame the issue with regard to jurisdiction of the Court and refer the matter to the trial Court to decide the said issue. The lower appellate Court has dismissed the said application through the impugned docket order dated 19.08.2015. Hence, the present civil revision petition.

3. Heard learned counsel for the petitioners/defendants and perused

the material on record.

4. As there is no plea raised with regard to jurisdiction aspect at the time of filing Appeal Suit in the year 2009, there is no need to adjudicate such issue in a separate interlocutory application filed in the year 2015. The petitioners/defendants can as well agitate such ground at the time of final disposal of the appeal suit itself.

5. For the aforesaid reasons, I do not find any merit in this revision, warranting interference by this Court under Article 227 of the Constitution of India.

6. Accordingly, this civil revision petition is dismissed, at the stage of admission. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

01.10.2015.

Msr

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