

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

C.R.P.No.5345 OF 2015

ORDER:-

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order, dated 14.9.2015, in I.A.No.692 of 2015 in O.S.No.526 of 2009 passed by the X Additional Chief Judge, City Civil Court, Hyderabad.

2. Case of the petitioner/defendant is that the respondents/plaintiffs have filed O.S.No.526 of 2009 on the file of the Chief Judge, City Civil Court, Hyderabad against it for eviction, arrears of rent and mesne profits in respect of the suit schedule property. In the said suit, the petitioner has filed the aforementioned application under Order VIII Rule 9 read with Section 151 C.P.C. seeking leave of the Court below to file additional written statement and the same was dismissed with costs through the impugned order. Challenging the same, the present Civil Revision Petition is filed.

3. Heard learned counsel for the petitioner and perused the material on record.

4. In the written statement, the petitioner has taken a specific stand that the original lease was for three years commencing from 17.9.2005 and according to it, the lease deed contains a further clause giving option to the petitioner to get renewal of the lease and basing on such clause, the lease was renewed upto 16.11.2011. Thus, the petitioner has taken the plea that it is in possession of the property based on the renewal clause in the lease deed. Basing on the said plea, issues were framed and the suit is pending for about six years. At this juncture, the aforementioned application was filed by the petitioner by introducing the plea that it is not in possession of the suit schedule

premises. When the suit is of the year 2009 and when a specific stand is taken in the written statement admitting possession based on the renewal clause in the lease deed, it is not open for the petitioner to introduce a new plea of not having possession of suit schedule property at this stage.

5. For the aforesaid reasons, this Court is of the view that no case is made out by the petitioner to invoke the jurisdiction of this Court under Article 227 of the Constitution of India and hence, the Revision Petition is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE R.SUBHASH REDDY

Date: 18.12.2015
AMD

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Dated: 18.12.2015

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