

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH**

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CIVIL REVISION PETITION No.1970 of 2015
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Between:

Smt. Y.Hemalatha Devi (died)
Per L.R., Y.Rajiv.

.. Petitioner

And

M/s. Vasavi Seva Kendram,
Rep. by its General Secretary Sri K.Raghuveer.

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 31-07-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

1. Whether Reporters of Local newspapers
Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be
Yes/No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to
see the fair copy of the
Judgment?

Yes/No

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.1970 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed against the order dated 30.04.2015 in I.A.No.103 of 2015 in O.S.No.2167 of 2010 on the file of the II Senior Civil Judge, City Civil Court, Hyderabad.

The respondent/plaintiff–organization filed the aforesaid suit against the petitioner/defendant for eviction and mesne profits by issuing notice under Section 106 of the Transfer of Property Act (for short, 'the Act'). It is the case of the defendant that on the ground that she failed to enhance the rents as demanded by the plaintiff, notice under Section 106 of the Act was got issued by the plaintiff terminating her tenancy after expiry of 15 days

from the date of receipt of the notice and demanding her to vacate and handover the vacant possession of the suit schedule property, but in the cross-examination, PW.1, the Chairman of the Rental Committee of the plaintiff organization, admitted that the plaintiff is having some other shops in the subject property and he entered into lease agreements with the other tenants and is issuing monthly rental receipts and that the defendant addressed a letter dated 06.07.2010 to the plaintiff stating that she is ready to pay the rents on par with the other shops in the subject property. On these grounds, the defendant filed the present I.A under Order XI Rule 14 read with Section 151 of CPC to direct the plaintiff to produce the rental agreements entered with the tenants of Shop Nos.15 to 17 and the rental receipts issued by him since 2010 in favour of tenants of shop Nos.15 to 17. By the impugned order dated 30.04.2015, the trial Court dismissed the said I.A.

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

The suit is based on the eviction notice issued under Section 106 of the Act. The quantum of rent cannot be a ground to defend the defendant's possession. Further there is no renewal of lease in favour of the defendant. In

these circumstances and also in view of the reasons recorded by the trial Court, I do not find any merit in this revision warranting interference of this Court in exercise of revisional jurisdiction under Article 227 of the Constitution of India.

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

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

**JUSTICE R. SUBHASH
REDDY**

31.07.2015
v v