

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2047 OF 2010

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ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed aggrieved by the order, dated 25.03.2010, passed in I.A.No.1159 of 2009 in R.C.C.No.108 of 2008 by the Rent Controller – cum – IV Additional Junior Civil Judge, Vijayawada.

Respondent No.1 has filed the aforesaid R.C.C. for eviction of petitioners from the scheduled property. In the aforesaid R.C.C., the petitioners have filed the present application, under Order VII Rule 11 and Section 151 C.P.C., to reject the main petition on the ground that respondent No.1 is not the exclusive owner of the scheduled property and the Suit filed by one of the co-sharers for partition is pending consideration. The Court below, by impugned order, dated 25.03.2010, dismissed the application.

This Court, initially, by order, dated 16.07.2010, granted interim stay of all further proceedings in R.C.C.No.108 of 2008 for a period of eight (8) weeks, which was extended for a further period of eight weeks from 24.09.2010 and thereafter, the interim order was not extended.

The petitioners plead that respondent No.1 has no exclusive right to evict them from the scheduled property, but the same can be framed as an issue after trial and the same cannot be a ground for rejecting the plaint under Order VII Rule 11 C.P.C.. In that view of the matter and in view of the reasons recorded in the impugned order, I do not find any illegality in the impugned order, so as to interfere with the same under Article 227 of the Constitution of India.

Accordingly, the revision petition is dismissed. However, it is made clear that if any such issue falls for consideration after trial, the same has to be considered independently, uninfluenced by any of the observations made in this order.

Miscellaneous Petitions, if any, pending shall stand closed. No costs.

R.SUBHASH

REDDY, J

27th January, 2015

MD