

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.4617 of 2014

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ORDER:

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Heard Sri A.Ravinder Reddy, learned counsel for petitioner. None appears for respondent even though notice has been served on respondent in the Revision.

2. This Civil Revision Petition is filed challenging the order

dt.21-10-2014 in I.A.No.427 of 2014 in O.S.No.761 of 2014 of the

II Additional Senior Civil Judge, Ranga Reddy District.

3. The petitioner herein is plaintiff in the suit. He filed the suit against respondent for eviction alleging that respondent is his tenant.

4. Written statement was filed by respondent denying the relationship of landlord and tenant between the parties and claiming ownership over the property.

5. The petitioner filed I.A.No.427 of 2014 under Section 151 CPC to direct the respondent to pay arrears of rent for the month of January, 2014 till April, 2014 @ Rs.7,000/- totaling Rs.28,000/- in the suit.

6. Counter affidavit was filed to this application.
7. By order dt.21-10-2014, the Court below dismissed the said application holding that there is no merit in it since the respondent had denied that he was a tenant.
8. Challenging the same, this Revision is filed.
9. The learned counsel for petitioner contends that Order XV-A CPC as applicable in the State of Telangana entitles the plaintiff in a suit for recovery of possession to seek direction of the nature sought in I.A.No.427 of 2014 and the Court below ought to have directed the respondent to deposit the arrears of rent. Admittedly, this provision of law was not brought to the notice of the trial Court and the order of the trial Court also does not indicate that any material was placed before the trial Court by petitioner in support of his plea that respondent is his tenant.
10. Learned counsel for petitioner states that if given an opportunity, petitioner will place before trial Court *prima facie* evidence that respondent is his tenant.
11. In this view of the matter, the Civil Revision Petition is allowed and the order dt.21-10-2014 in I.A.No.427 of 2014 in O.S.No.761 of 2014 is set aside; and the said I.A. is remitted back to the trial Court to give opportunity to both

sides to lead evidence in support of their respective pleas and to pass orders after taking into account Order XV-A C.P.C. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

12. As a sequel, miscellaneous petitions pending if any, in these Revisions shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 05-08-2015

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