

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

C.R.P.No.1264 of 2013

ORDER :

This Civil Revision Petition is filed challenging the order dt.23.11.2012 in R.A.No.37 of 2011 of the Chief Judge, City Small Causes court, Hyderabad in confirming the order dt.22.11.2010 in R.C.No.395 of 2009 of the IV Additional Rent Controller, Hyderabad.

2. The petitioner herein had filed the above RC under Section 8(5) of the A.P. Buildings (Lease, Rent & Eviction) Control Act, 1960 seeking permission to deposit monthly rent @ Rs.962.50 paise per month from January, 2009 to October 2009 and also to continue to deposit rents every month in respect of the petition schedule premises.

3. However, in the said RC, the petitioner had only impleaded one respondent, although it is the admitted case that not only the respondent, but his brother also is joint owner of the said premises. It is also on record that the brother of the respondent issued Ex.P12 Attornment letter dt.02.04.2009 informing the petitioner that he executed a Gift Settlement Deed dt.22.12.2008 gifting his half share in the subject premises to his 1st daughter by name Mrs.Imrana Qutubuddin and asking the petitioner to pay 50% of the rent to her and the remaining 50% to the respondent.

4. Even though the said RC was filed in October, 2009 i.e., six months after Ex.P12 was received by the petitioner, he did not implead Mrs.Imrana Qutubuddin in the said RC. It is on this ground RA.No.37 of 2011 was dismissed confirming the order in RC.

5. Challenging the same this Revision is filed.

6. Heard Sri K.Anoop Kumar, Counsel for the petitioner.

7. When the petitioner is aware that not only the respondent, but

also Mrs.Imrana Qutubuddin was a joint owner of the RC schedule premises, the petitioner ought to have impleaded both of them and he cannot maintain the RC only by impleading the respondent.

6. Therefore, I do not find any error in the order passed by the Chief Judge, City Small Causes Court, Hyderabad in dismissing R.A.No.37 of 2011.

7. Hence, this Civil Revision is dismissed. There shall be no order as to costs.

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

07th September, 2015.
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