

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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CIVIL REVISION PETITION No. 3530 of 2015
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ORDER:

This revision emanates from the dismissal of E.A.No.25 of 2013 in E.P.No.49 of 2012 in RCC No.11 of 2007 on the file of the Rent Controller-cum-IV Additional Junior Civil Judge, Vijayawada.

2. Briefly stated, the 1st respondent herein filed RCC No.11 of 2007 under the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960, seeking eviction of the 2nd respondent, who is his tenant, on the ground of default in payment of rent since November, 2005. After due trial, the petition was allowed by order dated 22.03.2011, directing the 2nd respondent to vacate the premises within two months. When execution proceedings were due, the revision petitioner herein, who is a third party to the said RCC, filed E.A.No.25 of 2013 stating that he is, in fact, the tenant in the schedule premises since 01.02.2010 for a monthly rent of Rs.2,000/- and that his landlord is one V. Mohana Ranga Rao, S/o V. Shantan Kumar, and when his landlord tried to forcibly evict him, he filed a suit viz., O.S.No.634 of 2012 before the I Additional Junior Civil Judge, Vijayawada and obtained ad-interim injunction; and on 19.01.2013 when the 1st respondent also tried to evict him, he contacted his advocate and came to know that the 1st respondent filed R.C.C.No.11 of 2007 against one Hari Rao and obtained eviction orders behind his back without making the revision petitioner a party to the said RCC. The trial Court, after due trial, dismissed the execution application by order dated 30.04.2015 due to lack of evidence in support of the revision petitioner. Questioning the dismissal of E.A.No.25 of 2013, this

civil revision petition is filed.

3. Heard Mr. K.S. Murthy, learned counsel for the revision petitioner, and Mr. V.S.R. Anjaneyulu, learned counsel for the 1st respondent.

4. At the hearing, learned counsel for the 1st respondent brought to the notice of this Court that a similar matter viz., CRP No.3255 of 2015 was dismissed by this Court by order dated 06.10.2015, and hence this revision petition is also liable to be dismissed. Learned counsel for the petitioner prays that a reasonable time may be granted for vacating the premises.

5. In view of the submissions made, the revision petition is dismissed. However, four months' time from the date of receipt of a copy of this order is granted to the petitioner to vacate the premises. No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G. CHANDRAIAH

12th October, 2015

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