

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.1306 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/tenant aggrieved by the order dated 29.10.2014 in I.A.No.271 of 2014 in R.C.No.281 of 2013 passed by the III Additional Rent Controller, City Small Causes Court, Hyderabad.

2. The respondent/landlord has filed R.C.No.281 of 2013 for eviction of the petitioner/tenant from the petition schedule premises. In the said petition, enquiry is started and on behalf of the respondent/landlord, chief affidavit is also filed. At that stage, the petitioner/tenant has filed the present application in I.A.No.271 of 2014 to decide the jurisdiction of the Tribunal as a preliminary issue mainly on two grounds; viz., (i) in view of the disputes, there is no jural relationship between the parties; and (ii) as the petition schedule premises belongs to the Government, whether the petition filed by the respondent/landlord is maintainable. After considering the material on record, the Court below disposed of the said application through the impugned order dated 29.10.2014, observing that the contentions of the petitioner/tenant will be considered at

the time of disposal of the main R.C. Hence, the present civil revision petition.

3. Learned counsel for the petitioner/tenant contends that in the absence of any specific provision under the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 the provisions under the Code of Civil Procedure are applicable. The learned counsel would further contend that in view of the allegations made by the petitioner/tenant, if the preliminary issue is decided, that will resolve the disputes between the parties and there is no necessity for a detailed enquiry in the matter.

4. Having heard learned counsel for the petitioner/tenant, I have carefully gone through the impugned order and the material on record.

5. From a perusal of the impugned order, it is evident that in the earlier round of litigation in O.S.No.1 of 2006, the petitioner/tenant has admitted the jural relationship of landlord and tenant. In any event, with regard to the jurisdiction aspect also, the same can be applied in the present R.C. Since the R.C. filed by the respondent/landlord is of the year 2013, no direction can be granted to try the issue as a preliminary issue, at this stage. However, it is made clear that as the jural relationship of landlord and tenant is disputed and further if the schedule premises belongs to the Government, the

same can also be adjudicated along with the other issues at the time of final disposal of R.C.

6. In view of the reasons assigned by the Court below, I do not find any illegality in the impugned order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

7. For the aforesaid reasons, this civil revision petition is devoid of merits and is accordingly dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
07.08.2015.
Msr

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