

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 214 of 2015

ORDER:

Aggrieved by the order, dated 12.11.2014 passed in I.A.No.92 of 2013 in O.S.No.27 of 2012 on the file of the Principal Senior Civil Judge, Nandyal, the petitioner, who is defendant No.1 in the said suit, preferred the present Civil Revision Petition under Section 115 of C.P.C.

The facts in issue are as under:

Respondent No.1 herein filed the above suit for recovery of Rs.66,484/-. During pendency of the suit, respondent No.1 also filed a petition under Order 15-A Rule 2 and Section 151 of C.P.C. praying to strike out the defence of the defendant Nos.1 and 2 in O.S.No.27 of 2012 and decree the suit.

The petitioner herein filed counter contending that the properties are notified in the A.P.Gazette Sl.No.3402 dated 24.10.1963, and as per the Wakf Act the A.P.Wakf Board, Hyderabad is the custodian and administrator of wakf institution. As per the Wakf Act the Muthavalli has no power to execute long lease agreement. The defendants invested a sum of Rs.60.00 lakhs and constructed a school building in the vacant site. The plaintiff has no right to collect the arrears of rent from the defendants unless and until the A.P.Wakf Board (defendant No.3) filed its written statement and counter.

After hearing both sides, the Court below allowed the said petition directing respondent Nos.1 and 2 therein to deposit the entire arrears of rents and damages of the suit schedule property as per the terms and conditions of lease agreements within a month from the date of the order till November, 2014 and the rents shall be paid for

the remaining period from the month of December, 2014 in future on or before 10th day of commencing of every month, failing which the defence of the respondent Nos.1 and 2 will be struck off in the suit. Challenging the same, the present revision is filed.

Learned counsel for the petitioner submits that the court below erred in awarding damages as Order 15-A prohibits the same. But the said order of awarding damages has become final pursuant to an order dated 22.11.2012 passed in C.F.R.No.10302. The counsel for the petitioner further submits that the petitioner would be put to an irreparable loss if the time granted earlier is not extended.

Having regard to the facts and circumstances of the case, one month time granted by the Court below for complying with the order dated 12.11.2014 passed in I.A.No.92 of 2013 in O.S.No.27 of 2012 on the file of the Principal Senior Civil Judge, Nandyal, is hereby extended by another 15 days from today. It is made clear that no further extensions will be granted.

With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs. Miscellaneous Petition, if any, pending in this Civil Revision Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

05.02.2015

Note: Issue C.C. by Monday.

B/o

gkv