

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.3004 of 2015

ORDER :

This Civil Revision Petition, under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 (for brevity "the Act") is filed by the petitioners aggrieved by the order and decree dated 17.07.2015 in I.A.No.140 of 2014 in R.A.No.62 of 2013 passed by the Additional Chief Judge, City Small Causes Court, Hyderabad, dismissing the application filed by the petitioners under Order 22 Rule 3 of C.P.C., seeking permission to come on record as legal representatives of the deceased-appellant and implead them as appellant Nos.2 to 5 to R.A.No.62 of 2013.

2. Petitioner No.1, who is the original appellant, died on 10.1.2014. Petitioner Nos.2 to 5 have filed an application being I.A.No.140 of 2014 on 10.4.2014, under Order 22 Rule 3 of C.P.C., seeking permission to come on record as legal representatives of the deceased-appellant and implead them as appellant Nos.2 to 5 to R.A.No.62 of 2013. The Court below dismissed the said application through the impugned order dated 17.07.2015, mainly on the ground that in view of the specific provision contained under Rule 19 of the Rent Control Rules framed under the A.P. Buildings (Lease, Rent and Eviction) Control Act, which says that the application shall be preferred within 30 days from the date of the death of the person concerned, after expiry of the said period, the application filed under Order 22 Rule 3 C.P.C., is not maintainable. Hence, the present civil revision petition.

3. It is contended by the learned counsel for petitioners that filing application under a wrong provision of law itself is not a ground for rejection of such application.

4. It is to be noticed that not only the wrong provision of law, as the matter is covered under the A.P. Buildings (Lease, Rent and Eviction) Control Act, as per Rule 19 of the Rules framed under the said Act, an application for impleadment of legal representatives is to be filed within thirty days from the date of death of the person concerned. If such application is not filed within the said stipulated period, the same has to be filed along with an application to condone the delay in filing such application. In the absence of which, the application filed by the petitioners for their impleadment as legal representatives of the deceased-appellant cannot be maintained.

5. 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, so as to interfere with the same.

6 . Accordingly, this civil revision petition is dismissed, at the admission stage, granting liberty to the petitioners to file an appropriate application in R.A.No.62 of 2013 under Rule 19 of the Rules framed under the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960. However, in view of the request made by the learned counsel for petitioners, the parties are directed to maintain *status quo* with regard to the petition schedule property in R.C.No.227 of 2008 on the file of the Principal Rent Controller, Secunderabad, for a period of two weeks from today.

7. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

31.07.2015.

NOTE: Issue C.C. by 03.08.2015.

(B/O)

Msr

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31.07.2015

Msr