

IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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C.R.P.No.3273 of 2015

Between:

Shaik Wajid Hussain (died) per L.Rs.

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... Petitioners

and

Smt.Rayeys Fatima & another.

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... Respondents

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DATE OF JUDGMENT PRONOUNCED: 14.08.2015

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SUBMITTED FOR APPROVAL:

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HON'BLE SRI JUSTICE R. SUBHASH REDDY

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1. Whether Reporters of Local newspapers
Yes/No

may be allowed to see the Judgment ?

2. Whether the copies of judgment may be
Yes/No

marked to Law Reporters/Journals ?

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3. Whether Their Ladyship/Lordship wish to
Yes/No

see the fair copy of the judgment ?

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.3273 of 2015

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ORDER :

This civil revision petition is filed under Section 115 of C.P.C., by the decree holder in O.S.No.4098 of 2002, aggrieved by order dated 03.08.2015, passed by the VIII-Junior Civil Judge, City Civil Court, Hyderabad, in E.A.No.112 of 2015 in E.A.No.68 of 2015 in E.P.No.178 of 2008 in O.S.No.4098 of 2002.

The suit is filed for a decree of specific performance of the contract. Petitioners/decreed holders were put-in possession in execution proceedings in E.P.No.178 of 2008. Respondent No.1 filed a claim petition under Order 21 Rule 58 in E.A.No.68 of 2015, in which, the decreed holders in the suit filed present E.A.No.112 of 2015, seeking to reject the claim petition on the ground that there is no cause of action for filing E.A.No.68 of 2015.

The case of the petitioner in E.A.No.68 of 2015 is that she was illegally dispossessed and the decree obtained by the petitioners herein is not binding on her. The claim made by respondent No.1 herein is to be gone into while disposing of E.A.No.68 of 2015, but there is no

merit in the application in E.A.No.112 of 2015, wherein, the petitioners/decreed-holders sought rejection of the claim petition on the ground that there is no cause of action for filing of said application. Having regard to the reasons stated in E.A.No.68 of 2015 itself, the cause of action is available. In that view of the matter, I do not find any ground to interfere with the impugned order, in this revision filed under Section 115 of C.P.C.

For the aforesaid reasons, the revision petition is devoid of merit and it is accordingly dismissed. No order as to costs.

However, it is open to the petitioners to prove before the Court below that the documents relied on by the claimants do not prove their case.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

14th August 2015

ajr