

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

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**CIVIL REVISION PETITION No.1380 of 2015**

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**ORDER :**

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/tenant aggrieved by the order and decree dated 12.03.2015 in I.A.No.579 of 2014 in R.C.C.No.14 of 2012 passed by the Rent Controller-cum-IV Additional Junior Civil Judge, Vijayawada, Krishna District, dismissing the application filed by him under Order VII, Rule 11(d) and Section 151 of C.P.C., for rejection of petition as it is not maintainable under law.

2. It is the case of the petitioner/tenant that the petition schedule premises in R.C.C.No.14 of 2012 is a godown, which is being used for commercial purpose, and eviction is sought by the respondent/landlord on the ground of bonafide requirement and also on the ground of default in payment of rents. Therefore, the petitioner/tenant has filed the aforesaid I.A.No.579 of 2014 for rejection of the petition on the ground that the same is not maintainable, as the respondent/landlord has sought for his eviction from the petition schedule premises for personal occupation. The Court below dismissed the said application through the impugned order dated 12.3.2015. Hence, the present civil revision petition.

3. Heard Sri S. Subba Reddy, learned counsel for the petitioner/tenant and perused the impugned order.

4. Having regard to the limited scope of the provision under Order VII, Rule 11(d) of C.P.C., and as the respondent/landlord has sought for eviction of the petitioner/tenant not only on the ground of bonafide requirement, but also on the ground of default in payment of rents, the Court below has rightly dismissed the application filed by the petitioner. In view of the reasons, assigned by the Court below, I do

not find any merit in this revision, warranting interference under Article 227 of the Constitution of India.

5 . Accordingly, this civil revision petition is dismissed, at the admission stage. However, it is made clear that if the petitioner/tenant raises such pleas, it is open for the Rent Controller-cum-IV Additional Civil Judge, Vijayawada, to decide the same while adjudicating the matter finally. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

17.04.2015.

Msr

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