

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

Civil Revision Petition No.1461 of 2015

Between:

Boddeda Venkata Sayanarayana @ Satyanarayana & Anr.

.... Petitioners

Vs.

Padmasolala Subrahmanyam @ Dattu

.... Respondent

DATE OF JUDGMENT PRONOUNCED: 21.08.2015.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

- 1 Whether Reporters of Local newspapers may be allowed to see the Judgments?
- 2 Whether the copies of judgment may be marked to Law Reports/Journals
- 3 Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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Civil Revision Petition No.1461 of 2015

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ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the Principal Junior Civil Judge, Anakapalle in I.A.No.431 of 2006 in O.S.No.95 of 2006 dated 20.02.2015.

The petitioners herein are the plaintiffs in O.S.No.95 of 2006, a Suit for permanent injunction. The petitioners contended that they were the leaseholders of the suit schedule property in terms of the lease deed dated 17.11.1950; and the annual lease was for Rs.70/-.

I.A. No.431 of 2006 was filed seeking leave of the Court to deposit the lease amount, payable to the respondent-defendant, into the Court

below, contending that when they offered the lease amount, the respondent refused to receive the amount; the amount sent by them, through Money Order, was refused; and, hence, they were filing the present petition.

In the order under revision, the Court below observed that there were other disputes between the respondent and other co-owners, with respect to the suit schedule property, which was conclusively determined by the Supreme Court in Civil Appeal No.11905 of 1995; the petitioners-plaintiffs had filed the Suit for permanent injunction contending that they were the leaseholders, and tenants of the suit schedule property; a tenant cannot get a better right and title over the property than that of the owner; the quantum of rent was also very meagre; and, if the petition was allowed, there was the possibility of the petitioners claiming continuation of lease which may be contrary to the decision of the Supreme Court.

Sri P.Rajasekhar, Learned Counsel for the petitioners, would submit that the petitioners are not parties to the proceedings before the Supreme Court; and the order of the Supreme Court would not bar them from depositing the money. The amount which the petitioners seek permission to deposit, as the rent payable, is a meagre amount of Rs.70/- per annum. The Court below has dismissed the I.A. holding that the petitioners request, to deposit the amount, was only to claim continuation of the lease.

As the amount which the petitioners claim, is the rent payable, is a meager sum of Rs.70/- per annum; and, as Smt.K. Jayasree, Learned Counsel for the respondent, states that the respondent does not have the authority to receive the rent as there are other co-owners, I see no reason to exercise discretion, under Article 227 of the Constitution of India, to interfere with the order of the Court below.

The Civil Revision Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions, if any pending, shall also stand disposed of. No costs.

(RAMESH RANGANATHAN, J)

Date:21.08.2015.
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