

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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C.R.P.NO.3255 OF 2015

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ORDER

Heard both the counsel.

2. The petitioner is the third party claimant at the stage of execution. The 1st respondent filed RCC.No.8/2007 on the file of Rent Controller, Vijayawada, seeking eviction of the 2nd respondent and after contest, the same was decreed on 22.3.2011. Challenging the same, the 2nd respondent filed appeal in RCCMA.No.25/2011 and it ended in dismissal. The 1st respondent filed E.P.No.46/2012 in RCC.No.8/2007 and at the stage of execution when the Amin went to the suit schedule property for delivery, the revision petitioner filed claim petition in E.A.No.9/2013 in E.P.No.46/2012 in R.C.C.No.8/2007 claiming that he has been in possession of the suit schedule property as tenant since 2.9.2010 for a monthly rent of Rs.2,000/- and he also paid advance rent of Rs.20,000/- to his landlord V.Mohan Ranga Rao and, therefore, alleging that the decree was obtained behind his back, sought to dismiss the execution proceedings. In the execution application, the petitioner examined himself as P.W.1 and got marked Ex.P-1, bunch of receipts dated 7.1.2013, 8.12.2012, 10.11.2012, 8.10.2012 and advance receipt for Rs.20,000/- dated 2.9.2010. The 1st respondent who is the landlady denied the claim averments and got examined herself as R.W.1. The trial court by examining the evidence on record, both oral and documentary, by the impugned order and decree dated 30.4.2015 dismissed the E.A. Hence the revision.

3. From the impugned order and the material on record, it could be seen that V.Mohan Ranga Rao, who is the claimed to be landlord by the petitioner, sought to implead himself in RCC and the same was dismissed and there is no material on record that any appeal has been filed. The RCC after contest by R-2, who is the tenant, was decreed and the same was confirmed in appeal. In the claim petition though the petitioner claims to be in possession since 2010, except Ex.P-1 receipts, alleged to have been executed by V.Mohan Ranga Rao, has not filed any other document, nor examined any witness to prove his case. Therefore, in my considered view, the court below rightly held that to

protract the litigation, the present claim petition came to be filed. The trial court based on material evidence available on record, with cogent and convincing reasons, dismissed the E.A. and I do not find any reason to interfere with impugned order.

4. At this stage, the learned counsel for the petitioner stated that the petitioner may be given some reasonable time to vacate the petition schedule premises.

5. The learned counsel for R-1 stated that the litigation is pending since, 2007 and therefore sought to consider for some reasonable time.

6. Having regard to the facts and circumstances, the revision is dismissed. No costs.

7. The petitioner is granted four months time from the date of receipt of a copy of this order for vacating the suit schedule premises. In case of default, execution shall go on.

8. Miscellaneous petitions pending if any, shall stand closed.

AVS

06—10—2015