

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3254 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, by the unsuccessful petitioners/plaintiffs, is directed against the order dated 29.04.2016 passed in I.A.No.4813 of 2013 in O.S.No.707 of 2013 by the Chief Judge, City Civil Court, Hyderabad, whereby, the petition filed under Order XV-A of the Code of Civil Procedure, 1908, by the revision petitioners/plaintiffs was dismissed.

2. Heard, Sri M.R.K.Chakravarthy, learned counsel for the revision petitioners/plaintiffs and Sri K.B.Solomon Raj, learned counsel for the respondents/defendants.

3. During hearing, the learned counsel for the revision petitioners drawn attention of this Court to certain observations made by the Court below in the order under challenge in paragraph Nos.14 and 23 regarding marital relationship between the 1st respondent and the 2nd respondent and requested to expunge those observations, so as to proceed with the trial in the main suit. The learned counsel for the respondents objected for expunging the said observations.

4. In a suit filed for ejectment of the tenant and recovery of possession, the Court is required to decide the jural relationship between the landlord and the tenant and the said requirement for

ordering eviction of the tenant in occupation is in compliance of the provisions of the Transfer of Property Act, 1882. The observations incidentally made in paragraph Nos.14 and 23 of the order under challenge regarding marital relationship of 1st respondent and the 2nd respondent are irrelevant to the matter in issue.

5. Therefore, the incidental observations made in paragraph Nos.14 and 23 of the order under challenge regarding marital relationship between the 1st respondent and the 2nd respondent are hereby expunged from the order, while permitting the parties to adduce evidence before the Court below regarding establishment of jural relationship of landlord and tenant and the Court below is directed to decide the main suit in accordance with law, notwithstanding the observations made in paragraph Nos.14 and 23 of the order under challenge regarding marital relationship between 1st respondent and the 2nd respondent.

6. The Civil Revision Petition is, accordingly, allowed in part to the extent indicated above. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this revision, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

19th September, 2016.
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