

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

C.R.P.NO.4085 OF 2016

O R D E R

Heard the counsel for the petitioners at the stage of admission.

The 1st petitioner herein claims to be the tenant of the suit schedule premises since 2006. As the original landlord refused to receive the rent, he filed R.C.C.No.24/2012 under Section 8 of the Andhra Pradesh Buildings (Lease, Rent and Eviction Control) Act, 1960, on the file of Rent Controller, Guntur, seeking permission to deposit the rent into court. Pending the RCC, the 1st petitioner died and his legal heirs were brought on record as petitioners 2 to 5. The respondents 2 and 3 herein who are claiming to be the subsequent purchasers of the schedule property under registered sale deed dated 17.1.2012 from the 1st respondent, filed suit in O.S.No.445/2013 on the file of I Additional Senior Civil Judge, Guntur, under Section 26 of C.P.C., against the petitioners herein, seeking their eviction.

On the ground that the suit schedule property and the parties in both the proceedings are one and the same, the petitioners filed T.O.P.No.1075/2014 under Section 24 of C.P.C., on the file of Principal District Judge, Guntur, seeking transfer of O.S.No.445/2013 on the file of I Additional Senior Civil Judge, Guntur to the court of Rent Controller – cum – Principal Junior Civil Judge, Guntur, for being tried along with R.C.C.No.24/2012, to avoid conflicting judgments. By the impugned order dated 21.3.2016, the court below dismissed the T.O.P.No.1075/2014. Hence, the present revision.

From the material on record it could be seen that the RCC is filed to permit the petitioners to deposit the rent into the court and suit in O.S.No. 445/2013 has been filed seeking for their eviction. Therefore, though the parties and the suit schedule property are one and the same, the issues to be decided would be different. Further, the Rent Control Court, which is also the Principal Junior Civil Judge, Guntur will have no pecuniary jurisdiction to try the suit for

eviction. Under Section 24(b)(ii) of C.P.C., the High Court or the District Court may at any stage withdraw any suit, appeal or other proceeding pending in any court subordinate to it and transfer the same for trial or disposal to any court subordinate to it and competent to try or dispose of the same. In other words, the court to which the transfer of the suit, appeal or other proceedings, is sought, shall be competent to try or dispose of the same. In the present case the rent control court to which the transfer is sought, is not competent to try the eviction suit on the ground of pecuniary jurisdiction. Therefore, considering these circumstances, the court below dismissed the transfer petition. I do not find any reason to interfere with the impugned order and the revision is devoid of any merit and the same is liable to be dismissed.

Accordingly the revision is dismissed. No costs.

Miscellaneous petitions pending if any, shall stand closed.

DATE:25—11—2016

AVS

SURESH KUMAR KAIT,J

