

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.1940 OF 2016

O R D E R

This Civil Revision Petition under Article 227 of the Constitution arises out of the order dated 25.02.2016 passed by the learned Principal Junior Civil Judge, Medchal, in I.A.No.927 of 2015 in O.S.No.17 of 2015. The said I.A. was filed by the defendants in the suit under Order 7 Rule 11 CPC seeking rejection of the plaint. By the order under revision, the trial Court dismissed the I.A. Aggrieved thereby, the defendants are before this Court.

Parties shall be referred to hereinafter as arrayed before the trial Court.

The suit, O.S.No.17 of 2015, was filed by the plaintiff for a perpetual injunction restraining the defendants from forcibly evicting him from the suit schedule property without following the due process of law. The plaintiff admitted that he was a tenant in the suit schedule property which was owned by the 1st defendant and that her husband, the 2nd defendant, used to look after the tenancy affairs. Cause for filing the suit *per* the plaintiff was that the defendants were trying to forcibly dispossess him from the tenanted premises.

The defendants filed the subject I.A. claiming that the suit was liable to be dismissed as the plaintiff ceased to be a tenant after 01.03.2015. According to them, they had stopped accepting the rentals and intimated the plaintiff of the termination of tenancy by efflux of time. They therefore asserted that the question of threatening him or forcibly dispossessing him did not arise and that the suit required rejection at the threshold.

The trial Court was of the opinion that it was premature for it to come to any conclusion as to the unregistered lease deed dated 01.04.2010 and as the defendants had failed to demonstrate any of the circumstances stipulated under Order 7 Rule 11 CPC warranting

rejection of the plaint, no case was made out for exercise of discretion in their favour.

Heard Sri C.Hanumantha Rao, learned counsel for the petitioners/defendants and Sri Chetluru Sreenivas, learned counsel for the respondent/plaintiff.

Order 7 Rule 11 CPC is clear and categorical in its import and provides that the plaint should be rejected in cases falling under Clauses (a) to (f) thereof. As rightly pointed out by the trial Court, the case on hand does not fall under any of these clauses. As to whether the defendants attempted to forcibly dispossess the plaintiff from the tenanted premises giving rise to a cause of action has to be addressed during the trial and adjudication of the suit. At this stage, it is wholly premature for the trial Court to opine as to whether such a cause of action was made out. There is no issue raised as regards valuation of the relief sought and demonstrably, no law bars the filing of the subject suit. No other procedural defects as provided under Clauses (e) and (f) were alleged. Therefore, Order 7 Rule 11 CPC had no application at all.

The suit prayer demonstrates that the plaintiff, being the tenant, sought an injunction against the defendants/landlords from evicting him from the tenanted premises without following the due process of law. It is not the case of Sri C.Hanumantha Rao, learned counsel, that the defendants have initiated any measures to evict the plaintiff from the tenanted premises in accordance with the lawful procedure. If that be so, the defendants can have no grievance as to the rejection of their wholly unsustainable plea by way of the subject I.A. This Court therefore finds no ground to interfere with the well reasoned and cogent order passed by the trial Court.

The Civil Revision Petition is accordingly dismissed. This order shall however not preclude the defendants from taking lawful measures as deemed fit. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

22nd JULY, 2016

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SANJAY KUMAR, J