

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.2192 OF 2010

ORDER:

This Civil Revision Petition is filed aggrieved by the order dated 29.12.2009, passed in I.A.No.1470 of 2006 in R.C.C. No.1 of 1991 by the learned Principal Junior Civil Judge, Bapatla, Guntur District.

The facts are not in dispute.

The respondent was originally a tenant of one Bodaraju Venkatapparaya Sharma. He filed R.C.C. No.7 of 1982 seeking permission to deposit the rents into the Court and the said petition was allowed. Accordingly, the respondent deposited the rents till 2004. R.C.C.No.1 of 1991 was filed by the 1st petitioner claiming himself to be the landlord of the property, as defined under the A.P. Buildings Lease, Rent and Eviction Control Act, 1960 before the Rent Controller-cum-Principal District Munsiff, Bapatla, seeking eviction of the respondent-tenant. Originally, one Bodaraju Venkatapparaya Sharma was the owner of the property and the petitioners claimed ownership through the agreement of sale dated 02.05.1982. The said R.C.C.No.1 of 1991 was dismissed by the Rent Controller, Bapatla. However, the same came to be allowed in R.C.A.No.2 of 1993. The orders in R.C.A.No.2 of 1993 also became final consequent to dismissal of C.R.P.No.3695 of 1997 by this Court on 23.08.2005. Consequent upon dismissal of the said C.R.P., the petitioners took possession of the premises through orders in E.P.No.93 of 2005. Thereafter, the petitioners filed I.A.No.1470 of 2006 in R.C.C.No.1 of 1991 praying the Rent Controller to issue a cheque in their favour for the amounts

deposited by the respondent, pending R.C.C.No.7 of 1982. The same was dismissed by the learned Rent Controller on the ground that the petitioners were not parties to the R.C.C.No.7 of 1982, wherein the original landlord alone was made as party and the application filed by the petitioners to implead them as parties therein was dismissed by the Rent Controller and as such, it is only the party to the proceedings in R.C.C.No.7 of 1982 alone is entitled for the said deposited amount.

Heard the learned counsel for the petitioners.

This Court does not find any infirmity in dismissal of the Interlocutory Application. Admittedly, the petitioners were not parties to the proceedings in R.C.C.No.7 of 1982. In other words, at the time when R.C.C.No.7 of 1982 was filed, so far as the respondent is concerned, the said Bodaraju Venkatapparaya Sharma was the landlord. In R.C.C.No.1 of 1991, the petitioners sought eviction of the respondent-tenant and during the pendency of R.C.C. No.1 of 1991, the petitioners never claimed the rents and it is only in 2005, the petitioners took possession of the property vide proceedings in E.P.No.93 of 2005 consequent upon R.C.A. No.2 of 1993 being allowed in their favour, where the subject matter of R.C.C.No.1 of 1991 was only confined to the eviction of the respondent. The Court below rightly observed that the rents deposited in R.C.C.No.7 of 1982 cannot be directed to be paid to the parties in R.C.C.No.1 of 1991 and the petitioners cannot claim for the said amounts, since the proceedings in R.C.C.No.7 of 1982 are entirely different from that of R.C.C.No.1 of 1991. The no objection alleged to have been given by the legal representatives of the original owner of the property is of no consequence, as,

admittedly, the efforts made by the petitioners to implead themselves as a party in R.C.C.No.7 of 1982 were not successful. However, the Court below left it to the petitioners to work out their remedies to claim the rents deposited in R.C.C.No.7 of 1982 in accordance with law. There being no error in the order passed by the learned Court below, I have seen no reason to allow the petition.

Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

Dated:14.10.2016
Ssv

CHALLA KODANDA RAM, J

