

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL REVISION PETITION No. 1 of 2013

ORDER:

The petitioner/plaintiff filed O.S.No.715 of 2011 on the file of the I Additional Junior Civil Judge, Guntur, against the 2nd respondent/defendant for recovery of arrears of rent. During the pendency of the suit, the 1st respondent filed I.A.No.598 of 2012 seeking to implead her as 2nd defendant to the suit. It is her case that she is the real owner of the plaint schedule property, that she leased out the property to the 2nd respondent on oral lease on a monthly rent of Rs.500/-, and that the rent has been enhanced from time to time and the present rent is Rs.800/- per month. The Court below allowed the said application by an order, dated 15.09.2012. Aggrieved thereby, the plaintiff filed the present revision.

Heard the learned counsel on both sides and perused the record.

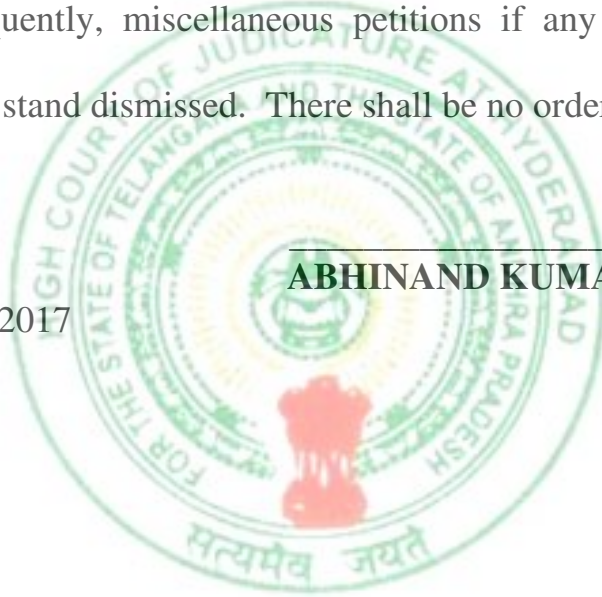
Learned counsel for the petitioner/plaintiff contends that the impleadment of the 1st respondent as 2nd respondent to the suit would alter the nature of the suit; that the suit, which is originally filed for recovery of arrears of rent, cannot be converted into a suit for title, based on the pleadings of the 1st respondent; and that if at all the 1st respondent has any case on merits, she can file a separate suit to work out her remedy.

Having considered the submissions made by the learned counsel for the petitioner and the nature of the suit, I am of the view that the Court below erred in entertaining the application of the 1st respondent who is disputing the title of the petitioner, who filed the suit for recovery of arrears of rent, and the impugned order is liable to be set aside. Accordingly, the Civil Revision Petition is allowed and the impugned order is set aside. The Court below is directed to adjudicate the suit on merits, as early as possible.

Consequently, miscellaneous petitions if any pending in the revision shall stand dismissed. There shall be no order as to costs.

20th October, 2017
cbs

ABHINAND KUMAR SHAVILI, J



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(allowed)

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