

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.5307 of 2011

ORDER:

01. Heard Sri P. Venugopal, learned counsel for the petitioner.

02. The petitioner/plaintiff filed a suit against the respondent/Osmania General Hospital, Hyderabad, on the ground that even though there is subsisting lease granted in favour of the petitioner, evict notice was issued to vacate the suit premises and the same is illegal. The petitioner continued in the same schedule premises as a lessee on account of injunction granted in his favour. While so, the respondent filed a Petition in SR.No.12575/2010 in O.S.No.1309 of 2005 setting up a counter claim and the same was allowed by Order dt. 28.11.2007 permitting the defendant to raise counter claim. Aggrieved thereby, the present Civil Revision Petition is filed.

03. The trial Court held that the defendant filed counter claim after framing of issues but at the stage of commencement of trial and as the trial did not commence by that time, the counter claim is valid and the objection on the period of limitation was rejected.

04. The Order under challenge clearly discloses that on consideration of rival claims, the trial Court having found merit in the stand by the respondent/defendant allowed the defendant to set up counter claim. Having regard to principle of law laid down on the subject, the plea raised by the petitioner/plaintiff that the

counter claim is not made within the period of limitation is stated to be rejected.

5. For the reasons stated above, I am in agreement with the reasons assigned by the trial Court. Hence, I do not find any error in the Order passed by the trial Court warranting interference of this Court.

6. Accordingly, this Civil Revision Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 09.11.2017

eha



P. NAVEEN RAO, J

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



CRP No.5307 of 2011

Dt.09-11-2017

eha