

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.4447 of 2017

ORDER:

The defendants in a suit for specific performance have come up with the above revision challenging the dismissal of their application for rejection of plaint under Order VII Rule 11 of the Code of Civil Procedure.

2. Heard Mr. G. Umapathy Sastri, learned counsel for the petitioners.

3. The suit was one for specific performance of an agreement of sale allegedly executed by the husband of the 1st petitioner herein and the father of petitioners 2 and 3. In the plaint, the respondent-plaintiff also claimed to be in possession of the property pursuant to an oral lease.

4. Therefore, the petitioners herein, apart from denying the existence of any agreement of sale, took a plea that under the Andhra Pradesh Tenancy Act, the Civil Court's jurisdiction is barred. On that ground the petitioners sought for rejection of the plaint under Order VII Rule 11 (d) CPC. But, the trial Court rightly dismissed the application.

5. A claim for specific performance, even it relates to an agricultural land, cannot be laid before the Court under the Andhra Pradesh Tenancy Act, 1956. Merely because the respondent-plaintiff claimed to be a tenant in respect of an agricultural land, the same will not entitle him to invoke the provisions of the Andhra Pradesh Tenancy Act for seeking specific performance of an agreement of

sale. Hence, the dismissal of the application for rejection of plaint is in order.

Therefore, the Civil Revision Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 08-09-2017

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