

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.5777 of 2017

ORDER :

This revision is filed by the petitioners/plaintiffs, aggrieved by the order dated 28.04.2016 in I.A.No.558 of 2014 in O.S.No.867 of 2012 passed by the Chief Judge, City Civil Court, Hyderabad.

2. Heard before admission and ordering notice to respondent.

3. The very application to strike off the defence depending upon the written statement admissions for the alleged rents not deposited is unsustainable, much less, to dismiss by entertaining the same by the lower Court to maintain revision against it, for, not there is any order to deposit the rents, to say, that the order is not complied with, thereby, the defence is liable to be struck off, that too, if at all there are any admissions, it is the remedy to ask for any interim decree if at all entitled based on admissions or to formulate the issues for the controversy to take up the trial with reference to the admitted facts and

without seeking any of such remedies, straight away filing an application to strike off the defence, when no way sustainable, the remedies are left open to the plaintiffs to work out.

4. With the above observations, the Civil Revision Petition is disposed of.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Date:21-11-2017
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Dr. B. SIVA SANKARA RAO, J

