

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

Civil Revision Petition No.1822 of 2015

ORDER

The unsuccessful claimant in unnumbered in EASR No.635 of 2015 that was rejected before numbering from contest, maintained the revision. The revision 1st respondent is the D.Hr. and revision 2nd respondent is the J.Dr. in E.P.No.5 of 2014 in R.C.No.224 of 2008.

Undisputedly, the rent control eviction case schedule property is part of the preliminary decree schedule in O.S.No.950 of 1984 on the file of the V Asst.Judge and final decree proceedings stated pending.

In the claim petition, the claim of the two petitioners is that along with the D.Hr. that they are already co-owners. In one breadth saying in possession as rightly observed by the Court below, there is no scrap of paper to say any acts of possession which is a pre-requisite as held in one of the expressions of this Court referring to Rule 23 of the R.C.Rules, (For short, 'the Rules). Thus, even the D.Hr. takes possession of the property pursuant to the order and decree in R.C.No.224 of 2008 that is made final by the tenant went unsuccessful in appeal including in revision in C.R.P.No.4408 of 2013, it will not prejudice to any of the existing rights of the claimants pursuant to the preliminary decree O.S.No.950 of 1984 to work out their rights therein.

With these observations, revision is disposed of for no necessity of maintaining a claim herein but to work out the claim. Even taken for arguments sake, the R.C. proceedings pursuant to D.Hr. and J.Dr. is collusive that no way binding on the petitioner much less to seek for such relief of adjudication in the claim petition.

Consequently, miscellaneous petitions, if any, pending in this revision shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:03.01.2018
vvr

