

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

C.R.P. Nos.262, 263, 278 and 279 of 2019

COMMON ORDER :

Since the issue involved in all these revisions is one and the same, they are heard together and are being disposed of by this common order.

Heard Sri Aravala Srinivasa Rao, learned counsel for the petitioners and Sri S. Niranjan Reddy, learned Senior Counsel, representing Sri Ali Akbar Mirza, learned counsel appearing for the respondent – Trust.

Four suits viz., O.S.Nos.2368, 2361, 2363 and 2365 of 2016 were filed by the respondent – Trust against each of the petitioners in these revisions, who are in occupation of different premises belonging to the respondent – Trust as tenants, for recovery of possession, future mesne profits and damages for unauthorized use and occupation from the date of filing of the suits till the date of handing over possession of the plaint schedule premises.

Written Statements were filed by the petitioners opposing for grant of the relief sought in the suits taking the plea that the provisions of the A.P. Building (Lease, Rent and Eviction) Act, 1960 is applicable and the Civil Court has no jurisdiction.

Pending the suits, separate applications viz., I.A.Nos.293, 294, 311 and 277 of 2018 in O.S.Nos.2368,

2361, 2363 and 2365 of 2016, respectively, were filed by the petitioners under Order 7 Rule 11 of C.P.C., to reject the complaints in all these cases, contending that the respondent is a Charitable Trust, endowed and registered under Section 38(5) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1956 (for brevity "the Endowments Act"), that the suit schedule properties are endowed properties and so the complaints are to be rejected in view of existence of the alternative remedy under Section 83 of the Endowments Act.

Separate counter affidavits are filed by the respondent – Trust opposing the same.

Vide separate orders dated 05.12.2018, the trial Court rejected these applications. Challenging the same, the present Civil Revision Petitions are filed.

Learned counsel for the parties have been heard at length and after the matters were reserved for orders, Sri S. Niranjan Reddy, learned Senior Counsel appearing for the respondent – Trust submits that the respondent would initiate proceedings against the respective petitioners in these Revisions under Section 83 of the Endowments Act and seek the relief of future mesne profits and damages for unauthorized use and occupation of the plaint schedule premises.

In this view of the matter, the Civil Revision Petitions are allowed, granting liberty to the respondent – Trust to take recourse to the procedure prescribed under the Endowments

Act for eviction of the respective petitioners, recovery of future mesne profits and also damages for unauthorized use and occupation of the plaint schedule premises. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in these revisions shall stand closed.

M.S. RAMACHANDRA RAO, J

18.03.2019.
Msr



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