

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition No.1146 of 2019

ORDER:-

This Revision is filed challenging order dt.24.10.2018 in I.A.No.773 of 2018 in O.S.No.337 of 2018 of the Junior Civil Judge, Cyberabad at Hayatnagar.

2. Petitioner herein is the defendant in the suit.

3. Respondent filed the suit against the petitioner for eviction of the petitioner, recovery of arrears of rent and future rents, contending that petitioner is his tenant since January, 2017.

4. Written statement was filed by the petitioner opposing the same and denying the existence of landlord and tenant relationship between himself and the respondent and setting up a plea that his landlord is one Keshava Reddy.

5. Respondent then filed application I.A.No.773 of 2018 under Order XV-A C.P.C. to direct the respondent to deposit the monthly rent of Rs.6,000/- to the credit of the suit along with arrears of rent of Rs.84,000/- till July, 2018 and future rent at Rs.6,000/- per month till date of handing over of possession.

6. Though petitioner contested the same reiterating that he is not the tenant of the respondent, the Court below allowed the said application on 24.10.2018. It rejected the plea of the petitioner that Keshava Reddy is the owner of the property and not the respondent, on the ground that Keshava Reddy had filed O.S.No.547 of 2018 seeking possession of the suit schedule property.

7. Assailing the same, this Revision is filed.

8. Counsel for the petitioner contended that there is no evidence of existence of relationship of landlord and tenant between the respondent and himself and in the absence of any such evidence, this application should not have been ordered by the Court below.

9. Counsel for the respondent, on the other hand, supported the order passed by the Court below.

10. In the instant case, in the written statement itself the petitioner has disputed the existence of relationship of landlord and tenant between himself and the respondent. Therefore, the Court below could not have allowed the application under Order XV-A C.P.C., simply on the ground that the respondent continues to be the owner of the property and Keshava Reddy has not yet become owner since O.S.No.547 of 2018 filed by the said Keshava Reddy is pending.

11. Accordingly, order dt.24.10.2018 in I.A.No.773 of 2018 in O.S.No.337 of 2018 of the Junior Civil Judge, Cyberabad at Hayatnagar, is set aside and the said I.A. is dismissed.

Consequently, miscellaneous petitions if any pending in the Civil Revision Petition shall stand dismissed.

M.S.Ramachandra Rao, J

8th August, 2019

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