

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1367 OF 2019

ORDER:

This Civil Revision Petition, under Section 115 of the Code of Civil Procedure, 1908, is filed aggrieved by the order, dated 03.04.2019, in O.P.S.R.No.32370 of 2018 passed by the learned Chief Judge, City Civil Court, Hyderabad, wherein the Court below rejected the said O.P as not maintainable.

2. Heard the learned counsel for the revision petitioner and perused the record.

3. Learned counsel for the revision petitioner would submit that the revision petitioner is an interested person to institute the subject proceedings in terms of Section 83 of the Transfer of Property Act, 1882 (for short, 'the Act'). The Court below without examining the pleadings, rejected the subject O.P as not maintainable and ultimately prayed to set aside the impugned order.

4. The petitioner claims that he purchased the subject property under a registered sale deed. Therefore, he filed the subject O.P. to discharge the mortgage amount due, in terms of Section 83 of the Act. Hence, the impugned order is liable to be set aside.

5. Therefore, the Civil Revision Petition is allowed setting aside the impugned order, dated 03.04.2019 passed in O.P.S.R.No.32370 of 2018 by the learned Chief Judge, City Civil

Court, Hyderabad. The Court below is directed to assign regular number to the Original Petition, provided it is in order. The maintainability of the O.P. is kept opened. The Court below may determine the same, after appearance of the other side, in accordance with law. No order as to costs.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed.

26<sup>th</sup> September, 2019  
YVL

Dr. SHAMEEM AKTHER, J

