

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1379 of 2019

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, by the petitioner/plaintiff, aggrieved by the order dated 15.02.2019 passed in I.A.No.853 of 2018 in O.S.No.978 of 2017 by the learned XV Additional District and Sessions Judge-cum-XV Additional Metropolitan Sessions Judge-cum-II Additional Family Judge, Ranga Reddy District at Kukatpally, wherein the application filed by the petitioner/plaintiff seeking information with regard to the details of the tenants and the rents received by the respondent/defendant, was dismissed.

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

3) Learned counsel for the revision petitioner/plaintiff submits that during the pendency of the subject suit, a portion of the suit schedule property was let out and the rents are being received by the respondent/defendant. Therefore, for the effective determination of the suit, the details of the tenants sought for by the revision petitioner are necessary. It is further contended that the revision petitioner is contemplating to bring the tenants on record and also to make suitable amendments with regard to the payment of rents during the pendency of the subject suit and ultimately prayed to set aside the impugned order and allow the civil revision petition as prayed for.

4) On the other hand, learned counsel for the respondent/defendant would contend that there is no contention in the original suit with regard to letting of the subject premises and receipt of rents by the respondent/defendant. Furthermore, even there is no prayer seeking mesne profits during the pendency of the suit. It is further contended that two separate applications are required to be filed to know the details of the tenants as well as rents payable. The Court below had not committed any illegality or irregularity while passing the impugned order and ultimately prayed to sustain the same.

5) In view of the submissions made by both sides, the point for determination is:

“Whether the impugned order dated 15.02.2019 passed in I.A.No.853 of 2018 in O.S.No.978 of 2017 by the Court below can be set aside and the said I.A. can be allowed as prayed for?”

6) POINT: As per the material placed on record, the contention of the revision petitioner/plaintiff is that tenants were inducted in a portion of the suit schedule property and respondent/defendant is deriving monthly rents from them. Further, it is submitted that the details of the tenants and the rents payable are necessary to make suitable amendments in the plaint. Without those details, the revision petitioner cannot file amendment application in the subject suit. There is no much dispute with regard to the letting of the subject premises, on monthly rents. The subject suit is filed for partition and separate

possession. Therefore, it is open to the revision petitioner to seek the information sought for in the impugned application and also to make suitable amendments in the plaint. For effective adjudication of the subject suit, the details sought for by the revision petitioner ought to have been ordered to be furnished. The Court below failed to exercise the jurisdiction vested therein.

7) Under these circumstances, the impugned order dated 15.02.2019 passed in I.A.No.853 of 2018 in O.S.No.978 of 2017 by the Court below is set aside and the respondent/defendant is directed to furnish the full details of the tenants and the monthly rents being paid to him.

8) Accordingly, this Civil Revision Petition is allowed. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 19.09.2019
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