

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

CIVIL REVISION PETITION NO.1764 OF 2019

ORDER:

This Revision is filed under Article 227 of the Constitution of India, challenging the order, dt.04.05.2019 in I.A.No.128 of 2019 in O.S.No.388 of 2018 on the file of the III Senior Civil Judge, City Civil Court at Secunderabad, refusing to pass an order under Section 15-A CPC, against the respondent on the ground that the respondent had denied the relationship of landlord and tenant between himself and the petitioner.

2. It is not disputed by the learned counsel for the petitioner that the said plea has been taken by the respondent and it is the specific contention of the respondent that he had vacated the suit schedule property on 30.04.2016 itself and there is no obligation on him to pay any further rents.

3. Though the learned counsel for the petitioner sought to pursue the Court to hold otherwise on the basis of other material, which the petitioner has filed in this Court, I am not inclined to do so, since such material ought to be gone into during the course of trial in the Court below.

4. Having regard to the denial of relationship of landlord and tenant by the respondent, the Court below cannot be said to have committed an error of jurisdiction in refusing to pass an order under Section 15-A CPC.

5. Therefore, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this Revision shall stand closed.

M.S.RAMACHANDRA RAO, J

DATED: 14-08-2019

Hsd

