

**HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**CIVIL REVISION PETITION No.2646 of 2018**

**ORDER:**

Heard the learned counsel for petitioner. Though respondent is served, none appears.

2. Petitioner has filed this Revision under Article 227 of the Constitution of India challenging the order dt.18-01-2018 in I.A.No.567 of 2017 in O.S.No.1410 of 2017 of the I Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar.

3. The said suit was filed by the petitioner against respondent for recovery of alleged arrears of rent and for eviction of respondent.

4. The suit was based on rental deed dt.10-09-2016 executed between the parties.

5. Petitioner also filed I.A.No.567 of 2017 under Order XV-A C.P.C. to direct the respondents to pay the admitted rents which accumulated to Rs.1,65,000/- from September, 2016 to August, 2017 and to strike off the defence of respondent when he fails to pay the arrears of rent and subsequent rents.

6. Counter-affidavit is filed by respondent not only denying that petitioner is the owner of the property but also denying that there was any lease by petitioner to respondent. The quantum of rent as well as tenancy is denied. Even the execution of rental deed dt.10-09-2016 is denied. He also denied that he was in possession of the property. He denied that there were any arrears of rent also.

7. By order dt.18-01-2018, the Court below dismissed the said application. It held that there are no “admitted arrears” of rent between the parties, that the quantum of rent itself is in dispute and the quantum of arrears can also be decided in the main suit, but not in this application. It also took note of the fact that respondent is out of possession.

8. Challenging the same, this Revision is filed.

9. Though learned counsel for petitioner sought to contend that the written agreement between the parties is to be looked into, since the very execution of the said agreement is denied by respondent, it is not proper to rely upon the same and grant any relief to the petitioner in this Revision at this point of time. The execution of the said agreement as well as the quantum of rent, existence of landlord and tenant relationship etc., are facts to be proved in the Court below during the course of trial. Therefore, I see no error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of Constitution of India.

10. Therefore, the Revision fails and it is accordingly dismissed.  
No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 02-01-2019  
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