

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.4529 of 2018

ORDER:

This Revision is filed assailing the judgment and decree dt.29-06-2018 in O.S.No.598 of 2013 of the III Senior Civil Judge, City Civil Court at Secunderabad.

2. Petitioner herein is defendant in the said suit.
3. The said suit was filed under Section 6 of the Specific Relief Act, 1963 for recovery of possession of the plaint schedule property described as premises bearing Municipal No.5-3-325 to 327 in Secunderabad.
4. According to respondents/plaintiffs, they were delivered possession of this property by the Court Bailiff in proceedings dt.21-03-2013 in E.P.No.3 of 2013 in R.C.No.149 of 2010 from petitioner and that petitioner on 11-04-2013 dispossessed them and forcibly reoccupied the portion delivered to them in the R.C.
5. Written statement was filed by petitioner opposing the suit claim and contending that he is a tenant of premises bearing door No.5-3-329 and not a tenant of the suit schedule premises.
6. By order dt.29-06-2018, the Court below decreed the suit with costs and directed the petitioner to vacate and hand over physical possession of the suit schedule property within one month. It also awarded damages to the respondents.

7. Assailing the same, this Revision is filed.
8. Learned counsel for petitioner reiterated that petitioner has nothing to do with the suit schedule property and is in possession of only premises bearing door No.5-3-329 and that the Court below erroneously held that petitioner has trespassed into the suit schedule property and is liable to pay damages.
9. When it is the admitted case of petitioner that he is not in possession of the suit schedule property and is in possession of only premises bearing door No.5-3-329, petitioner cannot claim to be aggrieved by the direction of the Court below to deliver possession of the suit schedule property to the respondents. If petitioner feels that under the guise of execution of the decree in O.S.No.598 of 2013 he is being evicted from the premises bearing door No.5-3-329, petitioner can avail the remedies available in the Code of Civil Procedure Code, if he is so advised.
10. I therefore hold that this Revision Petition is not maintainable at the instance of the petitioner and accordingly it is dismissed. Interim order granted earlier stands dissolved. No costs.
11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29-01-2019
Vsv