

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1140 OF 2010

ORDER:

This revision, under Section 22 of Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960, is filed by the petitioners/landlords aggrieved by the judgment and decree dated 08.04.2008, passed in R.C.A.No.2 of 2007 by the Principal Senior Civil Judge, Warangal, wherein the order and decree dated 28.02.2007 passed in R.C.C.No.5 of 2002 by the Rent Controller (Principal Junior Civil Judge) at Warangal, was confirmed.

2. Heard learned counsel for the revision petitioners/landlords, learned counsel for the respondent/tenant and perused the record.

3. Learned counsel for the revision petitioners would contend that there is no transfer of suit schedule land in favour of one Mohd. Jaffer under Ex.R1-sale deed dated 24.02.1978. The revision petitioners are the owners of the suit schedule property and the respondent-Society is the tenant. There is ample evidence to substantiate the jural relationship between the parties to the litigation. However, the learned Rent controller has erred in dismissing the R.C.C., which was filed for eviction of the respondent-Society. The learned lower Appellate Court also erred in confirming the order passed by the learned Rent Controller. The findings recorded by both the Courts below are perverse and erroneous and ultimately prayed to set aside

impugned order and allow the civil revision petition as prayed for.

4. On the other hand, learned counsel for the respondent-Society would contend that earlier the revision petitioners filed O.S.No.247 of 1994 for perpetual injunction and it was dismissed and ultimately the revision petitioners were directed to file comprehensive suit. They failed to do so. The judgment and decree passed in O.S.No.247 of 1994 attained finality. Furthermore, at no point of time, the respondent-Society has admitted the jural relationship. Md.Jaffer is the owner of the suit schedule property. He purchased the same from the original owner-Jan Mohammad, under Ex.R1 dated 24.02.1978. There are several documents to show the payment of rent to Md.Jaffer. The Court below is justified in passing the impugned judgment upholding the order of eviction passed by the trial Court. There is nothing to take a different view. There is no illegality or perversity in the judgment under challenge and ultimately prayed to dismiss the revision petition.

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

“Whether the impugned judgment and decree dated 08.04.2008, passed in R.C.A.No.2 of 2007 by the Principal Senior Civil Judge, Warangal, confirming the order and decree dated 28.02.2007 passed in R.C.C.No.5 of 2002 by the Rent Controller (Principal Junior Civil Judge) at Warangal, is legally sustainable?”

6. POINT: Both the Courts below have elaborately dealt with the jural relationship between the parties to the litigation. They have examined the implications of Ex.R1-sale deed, dated 24.02.1978 executed between Jan Mohammad and Jaffer. They have also examined the other documentary evidence on record and held that there was no jural relationship between the parties to the litigation. Further, there was an observation with regard to the dismissal of suit in O.S.No.247 of 1994, which was filed for perpetual injunction and in the appeal preferred against the said suit, it was observed that revision petitioners were directed to file comprehensive suit for adjudication of title dispute. Further, it was also observed that the revision petitioners did not state as to whether they have filed comprehensive suit or not. Both the Courts below recorded a finding that there is no jural relationship between the parties to the litigation. The said finding is based on oral and documentary evidence on record.

7. It is apt to state that the supervisory jurisdiction conferred on the High Court is to see that a Court or Tribunal subordinate to it functions "within the bounds of their authority" and to ensure that law is followed by such Court or Tribunal by exercising jurisdiction vested in them and not declining to exercise the jurisdiction which is vested in them. In the instant case, both the Courts below have discussed the material on record at length and concurrently held that there was no jural relationship between the parties to the litigation. There is nothing to take a different view. All the submissions made on behalf of the revision petitioners do not merit consideration.

Both the Courts below have rightly exercised the jurisdiction vested in them. No perversity or illegality is found in the impugned orders. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

8. In the result, the Civil Revision Petition is dismissed. No order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Date: 14.02.2020
ssp

Dr. SHAMEEM AKTHER, J

