

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL REVISION PETITION No.2206 OF 2019

ORDER:

This civil revision petition is filed, under Article 227 of the Constitution of India, by the petitioner, aggrieved by the order, dated 12.07.2019, passed in C.M.A.No.19 of 2018, by the learned Principal District Judge, Medak at Sangareddy.

2. Heard Sri K.B.Ramanna Dora, learned counsel appearing for the petitioner. Perused the material record.

3. The petitioner filed the I.A.No.43 of 2018 in O.S.No.10 of 2018, on the file of the learned Senior Civil Judge, Sangareddy, for grant of *ad interim* injunction restraining the respondents and their henchmen from interfering with his peaceful possession of Shop bearing No.5, situated within the premises of New Bus Stand Complex, Sangareddy, pending disposal of the suit, wherein the learned Senior Civil Judge, Sangareddy, dismissed the above said I.A. Aggrieved by the same, the petitioner/plaintiff filed C.M.A.No.19 of 2018 on the file of the learned Principal District Judge Medak at Sangareddy, wherein the learned Principal District Judge, Sangareddy, dismissed the above said C.M.A. by confirming the order, dated 20.06.2018, passed in I.A.No.43 of 2018 in O.S.No.10 of 2018. Aggrieved by the same, the present civil revision petition is filed by the petitioner/plaintiff.

4. The case of the petitioner/plaintiff is that he participated in the tender, issued by the respondents for allotment of stalls and issuance of license for running certain businesses mentioned in the tender notification. The petitioner/plaintiff was declared as highest bidder in respect of Shop No.5 for running business of Bakery and he was allotted *vide* allotment order, dated 12.06.2017, of the 3rd respondent and was also issued license to run the business of Bakery on monthly rental of Rs.9,100/- for a period of three years and the license fee could be extended for the fourth year on payment of Rs.10,010/- and for the fifth year on payment of Rs.11,512/- per month. The license period commenced on 12.06.2017 and was to end on 11.06.2020. It is further case of the petitioner/plaintiff that after running Bakery business for three months, he sustained heavy losses and on his request, the respondents orally permitted him to do mobile business in the shop allotted to him. While so, the respondents issued notices, dated 12.07.2017 and 27.07.2017, to the petitioner/plaintiff stating that he was undertaking mobile business in the shop allotted to him which is unauthorized and in violation of the terms and conditions of the agreement. Thereafter, the respondents issued notice, dated 08.08.2017, calling upon him to show cause as to why his allotment and license should not be cancelled and ultimately without providing opportunity to the petitioner/plaintiff terminated the allotment and license on 05.12.2017. Since then the petitioner/plaintiff is not in possession of the subject premises and he has been dispossessed. Aggrieved thereby, the petitioner preferred

O.S.No.10 of 2018 and also I.A.No.43 of 2018 for grant of *ad interim* injunction restraining the respondents and their henchmen from interfering with his peaceful possession of the subject premises, wherein the trial Court rejected granting of *ad interim* injunction in favour of the petitioner and the same has been confirmed in C.M.A.No.19 of 2018 by the appellate Court.

5. Having regard to the fact that since the petitioner is not in possession of the subject premises from 05.12.2017 and since there is no balance of convenience in favour of the petitioner and since the petitioner has not placed before this Court any authorization for shifting of his business from Bakery to Mobile shop, this Court is not inclined to interfere in this matter and the civil revision petition is liable to be dismissed.

6. At this stage, learned counsel for the petitioner pleaded that the petitioner has a fair chance of succeeding the case and in view of the same, if the suit is allowed, the petitioner would further have an opportunity of running the business upto June, 2022, and without claiming any equities, the petitioner would take a chance.

7. Having regard to the submissions made by the learned counsel for the petitioner, this Court is of the view that it would be just and proper to direct the trial Court to decide the O.S.No.10 of 2018, expeditiously if possible, keeping in view of the pendency and giving priority to old matters.

8. Accordingly, the Civil Revision Petition is dismissed by confirming the order, dated 12.07.2019, passed in C.M.A.No.19 of 2018, by the learned Principal District Judge, Medak at Sangareddy. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 31st January, 2020

KL

