

THE HON'BLE SMT. JUSTICE P. SREE SUDHA

CIVIL REVISION PETITION No.1249 of 2021

ORDER :

Heard both the counsel.

This Civil Revision Petition is filed aggrieved by the order dated 20.07.2021 in I.A.No.242 of 2021 in O.S.No.85 of 2021 passed by the VIII Junior Civil Judge, City Civil Court, Hyderabad.

The petitioner herein is the plaintiff and the respondents herein are the defendants. The petitioner herein filed O.S.No.85 of 2021 for Specific Performance of Agreement of Sale. During pendency of the said proceedings, the plaintiff filed I.A.No.242 of 2021 under Order XV Rule 1 read with Order XII Rule 6 seeking to decree the suit as prayed for, as there is no dispute for adjudication. But, the trial Court, dismissed the application. Aggrieved thereby, the present Civil Revision Petition is filed.

Learned counsel appearing for the petitioner has contended that the respondents are ready to execute the sale deed in favour of the petitioner by receiving additional amount of Rs.1,00,000/- and the petitioner is ready to pay the said amount. But, the trial Court, without considering the said aspect, erroneously dismissed the application.

This Court finds it appropriate to extract Order XV Rule 1 of CPC and also the Order XII Rule 6 of CPC.

Order XV Rule 1 of CPC reads as follows :-

Parties not at issue :- Where at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce judgment.”

Order XII Rule 6 of CPC reads as follows :-

Judgment on admission :- (1) Where admissions of fact have been made either in the pleading or otherwise, whether orally or in writing, the Court may at any stage of the suit, either on the application of any party or of its own motion and without waiting for the determination of any other question between the parties, make such order or give such judgment as it may think fit, having regard to such admissions.

(2) Whenever a judgment is pronounced under sub-rule (1), a decree shall be drawn up in accordance

with the judgment and the decree shall bear the date on which the judgment was pronounced.”

In the instant case, the respondents are ready to execute sale deed in favour of the petitioner by receiving additional amount of Rs.1,00,000/-. Therefore, this Court finds that the order of the trial Court is not on proper appreciation of facts and the same is liable to be dismissed.

At this stage, learned counsel for the respondents stated that as the 2nd respondent is in U.S.A., the respondents require one month time for execution of the sale deed.

In view of the above, the Civil Revision Petition is allowed setting aside the order of the trial Court. The matter is remanded to the trial Court to pass a decree as per the above provision of law with a specific direction to the respondents to execute sale deed in favour of the petitioner after receiving additional amount of Rs.1,00,000/- from the petitioner, within one month from the date of passing of the decree. No costs.

Pending miscellaneous applications, if any, shall stand closed.

P. SREE SUDHA, J

Date: 20.09.2022
Prv

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C.R.P.No.1249 of 2021

20.09.2022

Prv

