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**(2013) 04 AP CK 0103**

**In the Andhra Pradesh High Court**

**Case No : Civil Revision Petition No. 6052 of 2010**

Bhikam Chand

APPELLANT

Vs

C. Vittal Rao

RESPONDENT

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**Date of Decision : 03-04-2013**

**Acts Referred:**

Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 — Section 4

**Citation : (2013) 4 ALD 48**

**Hon'ble Judges : L. Narasimha Reddy, J**

**Bench : Single Bench**

**Advocate : Vedula Srinivas, for the Appellant; Dilip Kumar Shirodkar, for the Respondent**

**Final Decision : Dismissed**

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## **Judgement**

L. Narasimha Reddy, J.—The petitioner is the tenant of the respondent in respect of commercial premises at Osmangunj, Hyderabad. The respondent instituted proceedings u/s 4 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 for fixation of fair rent of the premises. The Rent Controller fixed the fair rent for the premises at Rs. 7,000/- per month. The petitioner, on the one hand, and the respondent, on the other hand, filed appeals before the appellate authority, not satisfied with the determination made by the Rent Controller. When the appeals were pending, the respondent filed O.S. No. 2244 of 2009 in the Court of III Junior Civil Judge, City Civil Court, Hyderabad, for eviction of the petitioner. The value of the suit was shown on the basis that the rent for the premises is Rs. 7,000/- per month. The petitioner filed written statement and issues were framed.

2. At a later point of time, the petitioner filed I.A. No. 802 of 2010 with a prayer to frame additional issues. It was pleaded that during the pendency of the suit, the appellate authority enhanced the fair rent to Rs. 11,000/- per month and annual rental value of the building would exceed Rs. 1,00,000/- and thereby, the trial Court ceases to have the pecuniary jurisdiction. The application was opposed

by the respondent. The trial Court dismissed the I.A. through order, dated 16.09.2010. Hence, this revision.

3. Heard Sri Vedula Srinivas, learned counsel for the petitioner, and Sri Dilip Kumar Shirodkar, learned counsel for the respondent.

4. The value of a suit has to be determined, taking into account the state of affairs that are obtaining as on the date of presentation of the suit. It is not uncommon that during the pendency of the suit, the value of the property undergoes change and, in a given case, it may cross the pecuniary limits of the Court. On that account, the Court, which otherwise had the pecuniary jurisdiction when the suit was filed, does not cease to have the jurisdiction. For instance, if the value of the property, as regards which the relief is claimed in a suit, is Rs. 90,000/- as on the date of filing of the suit and the pecuniary jurisdiction of the Court is upto Rs. 1,00,000/-, the Courts does not lose the jurisdiction, if during the pendency of the suit the value of the property has increased beyond Rs. 1,00,000/-. If such an approach is adopted, several complications would arise and the parties as well as the Courts would be put to serious hardship. The trial Court has taken correct view of the matter in refusing to frame an additional issue pertaining to the pecuniary jurisdiction of the Court, since the only basis for the application was an order passed by the appellate authority during the pendency of the suit.

5. The Civil Revision Petition is, accordingly, dismissed.

6. The miscellaneous petitions, if any, filed in this Civil Revision Petition shall stand disposed of. There shall be no order as to costs.