

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.4996 of 2015

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ORDER:

Heard Sri G.Seshagiri Rao, S/o Late Ramaiah, R/o. H.No.10-37, Temple Alwal, Secunderabad, the petitioner in this revision.

This revision is directed against the docket order passed by the learned Additional Junior Civil Judge – cum – Rent Controller at Malkajgiri on 27.10.2015 in I.A.No.1427 of 2015 in R.C.No.4 of 2009.

I.A.No.1427 of 2015 is filed by the present petitioner seeking directions to the respondents in that I.A., the landlords who instituted R.C.No.4 of 2009, to pay the petitioner herein a sum of Rs.5,000/- towards costs.

Civil Revision Petition Nos.1346 and 1412 of 2012 were preferred to this Court by the respondents – landlords. Those two Civil Revision Petitions were decided by this Court on 27.09.2012. By the aforesaid judgment dated 27.09.2012 the order passed by the Rent Controller on 18.01.2012 in I.A.Nos.1300 of 2011 and 1301 of 2011 in R.C.No.4 of 2009 were set aside. However, this Court imposed costs of Rs.5,000/- payable by the landlords to the petitioner herein. Further, the landlords were directed to complete their side of evidence by 19.10.2012. During the course of the said order, the direction with regard to the payment of costs has been made by this Court in the following words.

“The petitioners – landlords shall pay Rs.5,000/- (Rupees five thousand only) to the respondent – tenant within a period of one week; and”

From the reading of the above direction, it is crystal clear that the respondents – landlords herein are required to pay the petitioner herein a sum of Rs.5,000/-, obviously representing the costs in the Civil Revision Petition Nos.1346 and 1412 of 2012.

It appears instead of directly tendering Rs.5,000/- to the petitioner herein, the landlords have chosen the method of obtaining a demand draft for a sum of Rs.5,000/- on 04.10.2012 and tried to deposit the same before the Rent Controller. That appears to have been objected to by the petitioner herein. Be that as it may, that has also led to a contempt case initiated by the petitioner herein against the landlord in C.C.No.1687 of 2012. In the meantime, a review petition also appears to have been moved in CRPMP.NO.2499 of 2013. Both the Contempt Case No.1687 of 2012 and Review CRPMP.No.2499 of 2013 were heard together and decided on 27.06.2013. During the course of the order passed in the above Contempt Case No.1687 of 2012 and review CRPMP.2499 of 2013 this Court has recorded a finding that there was substantial compliance of the directions issued by this Court earlier on 27.09.2012 in C.R.P.Nos.1346 and 1412 of 2012. Now, therefore, once again the Rent Controller was asked to decide the present I.A. moved by the petitioner. In the above said circumstances, when once this Court has already found that the landlords have substantially complied with the direction issued by this Court on 27.09.2012, the petitioner could not have moved the present I.A.No.1427 of 2015 allover once again. This attempt on the part of the petitioner in moving the I.A.No.1427 of 2015 before the Rent Control Court has been characterized by the landlords as a clever attempt on the part of the tenant to keep the rent control proceedings pending and not to get decided. Therefore, the impugned docket order has been passed rejecting the Interlocutory Application.

In case, the petitioner herein feels that the order passed by this Court on 27.09.2012 has not been complied with by the respondents by not paying him the costs imposed by this Court in a sum of Rs.5,000/-, he could have raised a specific plea that he has not received any demand draft or any money representing Rs.5,000/- from the respondents. Therefore, I do not see any infirmity either legal or otherwise in the Rent Controller passing the impugned docket order. I, therefore, decline to exercise any jurisdiction vested in this Court, for me to entertain this revision. However, while adjudicating the main matter on merits, the costs payable to the respective parties would be regulated by exercise of necessary discretion available to be Court below. It shall be open to the Court below to take into account and consideration the assertion of the petitioner herein that he has not received the costs of Rs.5,000/- imposed by this Court in C.R.P.Nos.1346 and 1412 of 2012 on 27.09.2012.

It is a pity that for the past 3 years such a trivial issue has detained the Rent

Controller from proceeding further in deciding the Rent Control matter. This Court, when it directed on 27.09.2012 while deciding the Civil Revision Petition Nos.1346 and 1412 of 2012, that the respondents – landlords herein shall complete their evidence by 19.10.2012, it wished that the Rent Control proceedings should be drawn to a very quick close. Instead they were kept pending for more than 3 years. The spirit with which this Court decided the C.R.P.Nos.1346 and 1412 of 2012 is clearly frustrated on one count or the other. Therefore, the learned Rent Controller uninfluenced by any other factor and without entertaining any I.As, unnecessarily, in particular at the hands of the landlords or the petitioner herein, shall proceed and decided R.C.No.4 of 2009 at the earliest, at any rate, it shall stand disposed of on merits before 31.12.2015.

With this, the Civil Revision Petition stands rejected at the admission stage. No order as to costs.

The miscellaneous applications, if any shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

16.11.2015

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