

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2372 of 2015

ORDER :

This Civil Revision Petition, under Section 22 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 (for brevity "the Act"), is filed by the petitioners/tenants aggrieved by the order dated 16.04.2015 in I.A.No.9 of 2015 in R.A.No.2 of 2015 passed by the Chief Judge, City Small Causes Court, Hyderabad (Rent Appellate Tribunal), allowing the application filed by them under Section 20(2) of the Act, granting interim stay of the orders dated 5.12.2014 in R.C.No.146 of 2013 passed by the II Additional Rent Controller, Hyderabad (Rent Controller), on condition of the petitioners/tenants depositing 50% of the fair rent fixed by the Rent Controller on or before 30.6.2015, failing which ordering for vacation of the said interim order.

2. The respondent/landlord filed R.C.No.146 of 2013 before the Rent Controller against the petitioners/appellants under Section 4(1) of the Act, seeking fixation of fair rent at Rs.15,000/- per month in respect of the petition schedule premises bearing Municipal No.1-6-212/65/107/10, situated at

Gangaputra Colony, Zamistanpur, Musheerabad, Hyderabad. The said case was partly allowed by the Rent Controller, by order dated 5.12.2014, directing the petitioners/tenants to pay fair rent at Rs.6,000/- per month from the date of filing of the petition with further enhancement @ 10% for every 2 years on the existing rent. As against the said order, the petitioners/appellants carried the matter in appeal before the Rent Appellate Tribunal in R.A.No.2 of 2015 along with an application in I.A.No.9 of 2015 seeking interim stay of the order dated 5.12.2014. The Rent Appellate Tribunal, after considering the material on record, passed the impugned order dated 16.4.2015, granting interim stay, on condition of the petitioners/appellants depositing 50% of the fair rent fixed by the Rent Controller from the date of filing of petition to till date, on or before 30.6.2015. Hence, the present civil revision petition.

3. Sri C. Raghu, learned counsel for the petitioners/tenants submits that the fair rent fixed by the Rent Controller at Rs.6,000/- per month is abnormal and highly excessive. The learned counsel would submit that as per the Rental Agreement, the rent was Rs.1,000/- per month and after completion of 11 months, the rent was enhanced to Rs.1,500/- per month from 1.9.2011 onwards.

4. Having heard learned counsel for the petitioners/tenants, I have perused the impugned order and the material on record.

5. In view of the pendency of appeal before the Rent Appellate Tribunal, it is not proper to record a finding on fixation fair rent at Rs.6,000/- per month. However, while granting interim stay, as the condition imposed is to deposit only 50% of the said fair rent, this Court does not find any illegality in the impugned order, warranting interference by this Court.

6. For the aforesaid reasons, this civil revision petition is devoid of merits and is accordingly dismissed, at the admission stage. However, the time granted in the impugned order dated 16.4.2015 for deposit of 50% of the fair rent, is extended till 30.07.2015. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
26.06.2015.
Msr

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