THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 300 of 2015

ORDER:

The petitioner herein is defendant in O.S.No.1105 of 2012 on the file of the I Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar. The respondent herein filed the suit for eviction of the petitioner.

2. The petitioner also filed a suit for perpetual injunction in O.S.No.48 of 2012 on the file of the I Additional Junior Civil Judge at L.B.Nagar and the said suit was transferred to the Court of the
I Additional Senior Civil Judge at L.B. Nagar and re-numbered as O.S.No.1356 of 2012.

3. In O.S.No.1105 of 2012, the respondent/plaintiff was examined as P.W.1 and the petitioner/defendant was set *ex parte* on 12.07.2012. The petitioner filed I.A.No.1317 of 2012 to set aside the *ex parte* order passed in I.A.No.693 of 2012 and the said petition was allowed on 14.12.2012 with a condition to pay an amount of Rs.80,000/- after deducting Rs.10,000/- within 15 days and posted the case to 28.12.2012. However, the said petition was closed on deposit of Rs.70,000/-. Thereafter, the respondent filed I.A.No.699 of 2013 to strike off the defence of the petitioner, as the petitioner did not follow the order passed in I.A.No.693 of 2012, and the said petition was allowed by striking off the defence of the petitioner. When a transfer O.P.No.681 of 2014 was filed by the petitioner before the learned Principal District & Sessions Judge, an order was passed directing the learned I Additional Senior Civil Judge at L.B. Nagar to dispose of I.A.No.693 of 2012 on merits. Consequently, an order was passed on 24.11.2014 directing the petitioner to pay the arrears of rent of Rs.10,000/- and continue to deposit the rent @ Rs.10,000/- per month from April, 2012 onwards. Challenging the said order, the present civil revision petition is filed.

4. The learned counsel for the respondent/plaintiff submits that the petitioner/defendant, taking advantage of the order of suspension granted by this

Court on 13.02.2015, has not deposited the rents.

5. The learned counsel for the petitioner/defendant, on the other hand, submits that there is no evidence to show that Rs.10,000/- was the agreed rent, and when the trial Court came to the conclusion that proper rent has to be decided in the main proceedings, it ought not to have directed the petitioner to deposit the rent @ Rs.10,000/- per month.

6. Now, it is clear that O.S.No.1105 of 2012 filed by the respondent/plaintiff is pending and O.S.No.1356 of 2012 filed by the petitioner/defendant is also pending before the learned I Additional Senior Civil Judge, L.B.Nagar.

7. In the interest of justice, the Civil Revision Petition is disposed of with a direction to the learned I Additional Senior Civil Judge at L.B.Nagar, to dispose of both the suits as early as possible preferably within a period of six (6) months from the date of receipt of a copy of the order. The petitioner/defendant in O.S.No.1105 of 2012 shall deposit the arrears of rent @ Rs.5,000/- per month from April, 2012 till the end of October, 2015 within a period of three (3) months from the date of receipt of a copy of the order and continue to pay the rent @ Rs.5,000/- per month without fail and the payment of the said amount by the petitioner/defendant in O.S.No.1105 of 2012 would be subject to further orders to be passed by the learned I Additional Senior Civil Judge, L.B.Nagar.

8. The Civil Revision Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending in the civil revision petition shall stand dismissed. There shall be no order as to costs.

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A.RAMALINGESWARA RAO, J

13th November, 2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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