

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.4439 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff aggrieved by the order dated 07.04.2015 in I.A.No.892 of 2014 in O.S.No.1550 of 2014, passed by the XVII Additional Senior Civil Judge, City Civil Court, Hyderabad, to the extent of directing her to deposit rents from February, 2014 onwards.

2 .The petitioner/plaintiff filed the aforesaid suit for injunction simplicitor. As there is a rival claim with regard to claiming of rents, the petitioner/plaintiff filed an application being I.A.No.892 of 2014 seeking to permit her to deposit monthly rents @ Rs.40,000/- in respect of suit A-Schedule property and @ Rs.10,000/- in respect of suit B-Schedule property from October, 2014 onwards into the Court to the credit of the main suit till its disposal. The Court below, while allowing the said application through the impugned order dated 07.04.2015, directed the petitioner/plaintiff to deposit rents @ Rs.44,000/- per month in respect of petition A-Schedule property and @ Rs.11,000/- per month in respect of petition B-Schedule property from February, 2014 onwards and directed to deposit the monthly rents at the same rate on or before 10th of every month till disposal of the main suit and further directed to deposit the arrears of rent from February, 2014 to till date within one month from the date of the said order. Aggrieved by the said order, to the extent of directing her to deposit rents from February, 2014 onwards, the petitioner/plaintiff has filed the present civil revision petition.

3 . Heard Sri E. Madan Mohan Rao, learned counsel for the petitioner/plaintiff, as well as Sri Suresh Shiv Sagar, learned counsel

for respondent Nos.1 and 2/defendants, and perused the material on record.

4. Mainly, it is the case of the petitioner/plaintiff that as the suit itself is for injunction simplicitor, when the petitioner/plaintiff wanted to deposit rents from October, 2014 onwards, the Court below has no authority or jurisdiction to pass orders directing her to deposit rents @ Rs.44,000/- per month in respect of petition A-Schedule property and @ Rs.11,000/- per month in respect of petition B-Schedule property from February, 2014 onwards.

5. During the course of hearing, it is brought to the notice of this Court by Sri Suresh Shiv Sagar, learned counsel for respondent Nos.1 and 2, that respondent Nos.1 and 2 have already filed a suit for eviction and also filed an interlocutory application under Order XV-A of C.P.C., to deposit arrears of rents and the same is pending.

6. In this case, it is to be noticed that the suit in O.S.No.1550 of 2014 is filed for injunction simplicitor. The impugned order also came to be passed only on an application being I.A.No.892 of 2014 filed by the petitioner/plaintiff, wherein she sought permission of the Court below to permit her to deposit rents only from October, 2014 onwards, but not from February, 2014. Inasmuch as respondent Nos.1 and 2 have already filed a suit for eviction, besides filing an interlocutory application under Order XV-A of C.P.C., to deposit arrears of rents, this Court is of the view that the impugned order to the extent of directing the petitioner/plaintiff to deposit rents from February, 2014 onwards is liable to be set aside.

7. As there is no dispute regarding the quantum of depositing rents @ Rs.44,000/- per month in respect of petition A-Schedule property and @ Rs.11,000/- per month in respect of petition B-Schedule property, and as regards the direction of the Court below to the extent of directing the petitioner/plaintiff to deposit rents from February, 2014 onwards, is a matter to be gone into in appropriate proceedings, the impugned order to the extent of directing the petitioner/plaintiff to deposit rents from February, 2014 onwards is to be set aside.

8. For the aforesaid reasons, this Civil Revision Petition is allowed, setting aside the impugned order dated 07.04.2015 to the extent of directing the petitioner/plaintiff to deposit rents from February, 2014 onwards and the same should be read as directing the petitioner/plaintiff to deposit rents, as directed, only from October, 2014 onwards.

9. This Civil Revision Petition is allowed to the extent as indicated above. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

13.11.2015.

Msr

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