

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.1336 of 2015

-

ORDER :

This civil revision petition is filed under Section 115 of CPC by the decree holders in O.S.No.30 of 2010 on the file of II-Senior Civil Judge, City Civil Court, Hyderabad, aggrieved by order dated 23.08.2012, passed by the learned Chief Judge, City Civil Court, Hyderabad, in I.A.No.3199 of 2011 in A.S.No.87 of 2011.

Petitioners herein are plaintiffs in O.S.No.30 of 2010 on the file of II-Senior Civil Judge, City Civil Court, Hyderabad, which was filed for eviction of respondent herein and also for payment of arrears of rent. The said suit was decreed. As against the same, the respondent/ defendant carried the matter in appeal in A.S.No.87 of 2011 before the Chief Judge, City Civil Court, Hyderabad. During the pendency of the suit, it appears, the respondent/tenant has deposited demand draft for Rs.2,20,000/- drawn in favour of petitioners. Ultimately, the appeal suit was dismissed on 16.08.2011. Though the demand draft was obtained in the name of petitioners, same was deposited in the Court and it was not handedover to the petitioners and was also not encashed.

After dismissal of A.S.No.87 of 2011, petitioners herein have filed the application in I.A.No.3199 of 2011 under Section 151 C.P.C., requesting to handover the demand draft to them so as to get it revalidated. The said application is dismissed by impugned order.

Though it is submitted by the learned counsel for petitioners that as much as the demand draft was received by the Court and was mistakenly kept in its custody, it is for the Court to revalidate it, this Court is not in agreement with the said submission. As much as the demand draft is obtained by the respondent in favour of the petitioners, even for revalidation, it is to be handed over to the

respondent, but not to the petitioners.

Having regard to the reasons stated in the impugned order, I do not find any ground to interfere with the same. The revision petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

5th June 2015

ajr