

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.4033 of 2015

Date: 28-12-2015

Between:

Penugonda Subbarayudu and 3 others

.... Petitioners

AND

Potlapalli Rambabu and another

.... Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.4033 of 2015

ORDER:

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The petitioners are landlords of the premises taken by the respondents for running Tirumala Auto Xerox. The petitioner filed R.C.C.No.6 of 2010 for eviction of the respondents on the ground of wilful default, bonafide requirement and sub-letting the premises. The RCC was allowed by order dated 07-04-2015 and the respondents were given two months time for vacation of the premises. Against the said order, the respondents preferred R.C.A.No.1 of 2015 before the learned Rent Control Appellate Tribunal, Tadepalligudem, West Godavari District and sought for stay of the proceedings pursuant to the order dated 07-04-2015. The learned Rent Control Appellate Tribunal allowed the application subject to the respondents depositing 50% of the arrears of rent on or before 07-08-2015 by the order dated 30-07-2015. Challenging the same, the present

Civil Revision Petition is filed.

Learned counsel for the petitioners submits that there were huge arrears and the respondents are not paying the monthly rents also. In those circumstances, the Rent Control Appellate Tribunal erred in allowing I.A.No.538 of 2015 seeking stay of execution of the order dated 07-04-2015 passed in R.C.C.No.6 of 2010. Learned counsel for the respondents, on the other hand, submits that since the main appeal is pending, the respondents are entitled for stay of execution of the decree subject to certain conditions and the conditions imposed by the Appellate Tribunal is proper in the facts and circumstances of the case.

However, the lease is stated to be of the year 1994 and the respondents are continuing as lessees in the said premises. Since an order of eviction was passed on 07-04-2015 and two months time was granted to the respondents, this Court feels that it is just and necessary to direct the Rent Control Appellate Tribunal to consider the appeal itself and dispose of the same on or before 30-04-2016. In the meanwhile, the respondents shall pay the monthly rents without fail.

Accordingly, the order dated 30-07-2015 in I.A.No.538 of 2015 in R.C.A.No.1 of 2015 is modified and the amount of 50% deposited by the respondents be permitted to be withdrawn by the petitioners without furnishing any security. The Civil Revision Petition is disposed of accordingly. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.

RAMALINGESWARA RAO, J

Date: 28-12-2015

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