

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION Nos.3748, 3749, 3055 &

3056 of 2014

COMMON ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondent. These four Civil Revisions Petitions are being disposed of by this common order in view of the consent expressed by both the parties.

2. The petitioner in CRP.Nos.3748 and 3749 of 2014, the Government High School (Telugu Medium), Golconda Fort, Hyderabad, is defendant in O.S.No.1078 of 2012 on the file of the Court of IV Senior Civil Judge, City Civil Court at Hyderabad (for short, trial Court). The petitioner in CRP.Nos.3055 and 3056 of 2014, H.E.H. The Nizam Awakaf Committee, King Koti, Hyderabad, filed the said suit for eviction of the said school from the suit schedule property. For the sake of convenience, the parties shall be referred to as they are arrayed in O.S.No.1078 of 2012.

3. The trial Court passed an *ex parte* decree on 04.06.2013. The defendant filed I.A.No.294 of 2014 seeking condonation of delay of 265 days in filing an application to set aside the *ex parte* decree and the same was allowed, by order of the trial Court dated 06.06.2014. Challenging the same, the plaintiff filed CRP.No.3055 of 2014. The defendant also filed I.A.No.420 of 2014 seeking to set aside the *ex parte* decree dated 04.06.2013 in O.S.No.1078 of 2012 and the trial Court, by its order dated 06.06.2014 allowed the same, on condition of defendant depositing 1/4th of the arrears on or before 20.06.2014. Challenging the said order, the plaintiff filed CRP.No.3056 of 2014. The defendant could not deposit the amount, as ordered in I.A.No.420 of 2014, within time and filed an application in I.A.No.555 of 2014 seeking extension of time by two months. The trial Court dismissed the said application, by its order dated 18.07.2014, challenging which, the defendant filed CRP.No.3748 of 2014. The plaintiff, after

six months of passing of the *ex parte* decree, has filed E.P.No.249 of 2013 seeking eviction of the defendant and the trial Court, by its order dated 16.09.2014, ordered eviction of the defendant. Challenging the same, the defendant filed CRP.No.3749 of 2014. That is how all these Civil Revision Petitions are listed before this Court.

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4. It is submitted by the learned counsel appearing for the defendant-school submits that though E.P.No.249 of 2013 was allowed ordering eviction of the defendant, since it is a school having strength of nearly 150 students who are appearing for 10th class examination, which is going to be scheduled in the month of March, 2016, the eviction of the defendant at this point of time would jeopardize the interest of the students.

5. In view of the same, the defendant is directed to vacate the premises on or before 30.04.2016. If the defendant does not vacate the premises as directed, it is open to the plaintiff to take necessary steps for implementation of order of the trial Court dated 16.09.2014 in E.P.No.249 of 2013 in O.S.No.1078 of 2012. Since the defendant had already deposited an amount of Rs.4 lakhs to the credit of O.S.No.1078 of 2012 and there is no dispute with regard to the ownership of the premises by the plaintiff, the plaintiff is given liberty to withdraw the said amount. The defendant shall continue to pay the monthly rent till vacation of the premises, and in case of failure, the plaintiff is at liberty to take necessary steps for recovery of the arrears of rents as well as the current monthly charges.

6. With the above observations, all the Civil Revision Petitions are disposed of. No order as to costs. Miscellaneous petitions, if any, pending in all the Civil Revision Petitions shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 30.11.2015

TJMR