

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No.2342 of 2014

BETWEEN

Medisetty Jayasree and another.

... PETITIONERS

AND

M/s. Taste Hotel Private Limited.

...RESPONDENT

Counsel for the Petitioners: MR. M.R.S. SRINIVAS

Counsel for the Respondents: MR. CHETLURI SREENIVAS

The Court made the following:

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ORDER:

Petitioners herein are the plaintiffs in O.S.No.105 of 2010 on the file of the III Additional District Judge, Ongole, which is suit filed for eviction of respondent/tenant. Pending the suit, petitioners had filed an application I.A.No.42 of 2008 under Order 15(a)(2) of the Code of Civil Procedure

seeking direction to the respondent to deposit the monthly rent into Court and by order dated 26.06.2009, the said

IA was allowed wherein respondent was directed to deposit the arrears of rent within 30 days and continue to deposit every month's rent within a week from the date on which it becomes due.

Since the respondent committed default, he filed an application I.A.No.1105 of 2009 under Section 148 CPC seeking extension of time. The said application was ordered and thereafter, again the respondents committed default. Hence, petitioners filed I.A.No.480 of 2010 and in reply to the said application, respondent deposited a sum of Rs.4,65,750/- towards rent up to 05.03.2011 and undertook to deposit every month's rent without fail in future. The said application was disposed of by the trial Court specifically directing that no further time shall be extended and any application would not be entertained, if filed by the respondent.

2. Petitioners state that even thereafter since the respondent committed default, the petitioners filed applications to strike off the defence of the respondent under Order 15(a)(2) of CPC, which are stated to be pending. Meanwhile, it appears that the petitioners closed the bank account whereupon the respondent filed the present application, being I.A.No.114 of 2014, seeking to deposit the rent in the Court. Though the petitioners have opposed the said application on the ground of substantial default committed by the respondents, the Court below allowed the said application under impugned order dated 04.07.2014. Aggrieved thereby, the present revision is filed.

3. I have heard the learned counsel for the petitioners and the learned counsel for the respondent.

4. Though the matter is contested, in this revision, by both the learned counsel, I feel it is not necessary to go into all those aspects, particularly, in

view of the admitted facts that the suit is posed for arguments. Since the suit is one for eviction and arrears of rent, the petitioners, in any case, are entitled to recovery of arrears of rent and whether the respondent has committed default warranting an order under Order 15(a)(2) of CPC is yet to be considered by the Court below. The present order directing the respondent to deposit the rents into the Court cannot be said to be cause prejudice to the petitioners. Petitioners, therefore, are permitted to withdraw the amounts deposited by the respondent in pursuance of the order in I.A.No.114 of 2014 dated 04.07.2014 without furnishing any security. The Court below shall endeavour to dispose of the suit expeditiously and preferably within a period of one month from the date of receipt of a copy of this order, if it is not already disposed of. The aforesaid direction is issued in view of the fact that the suit is posted for arguments and the Court below shall consider the evidence on record and dispose of the suit including the applications under Order 15(a)(2) of CPC.

The civil revision petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 19, 2015
DSK