

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

REVIEW C.R.P. M.P. NO.5029 OF 2015 IN/AND
CIVIL REVISION PETITION NO.4137 OF 2014

DATED:19-02-2016

C.R.P. No.4137 of 2014

Between:

M/s. Vahan Motors Private Limited (CARZ)
Having its office at Plot No.888
Road No.45, Jubilee Hills
Hyderabad
Rep. by its Director Mr. Venu Donepudi ... Petitioner

And

Dr. S. Pratap Reddy ... Respondent

... Respondents

COUNSEL FOR THE PETITIONER: Mr. B. Chandrasen Reddy

COUNSEL FOR THE RESPONDENT: Mr. O. Manohar Reddy

THE COURT MADE THE FOLLOWING:

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ORDER:
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The civil revision petition is filed aggrieved by non-consideration of I.A. No.1269 of 2014 in O.S.No.455 of 2014, by the Court of I Additional District Judge, Rangareddy.

The petitioner has filed the above-mentioned suit against the respondent for perpetual injunction restraining him from interfering with the suit schedule property. The relationship between the parties is that of tenant and landlord. The petitioner filed I.A. No.1269 of 2014 for permitting it to deposit a cheque bearing No.000014, dt.03.07.2014, for the month of June, 2014 to the credit of the suit. As no order thereon was passed, the petitioner filed the civil revision petition.

After hearing the learned counsel for the petitioner, by order dt.23.01.2015, this Court has disposed of the civil revision petition at the admission stage with the observation that in a suit for perpetual injunction filed by a tenant, there is no need for deposit of the rents in the Court. It was further observed that in case the respondent is not willing to receive the rents, in order to establish its bona fides the petitioner can open a bank account and deposit the rents payable to the respondent and bring the said fact to the notice of the lower Court by filing an affidavit. Aggrieved thereby, the respondent in the revision petition filed Review C.R.P.M.P. No.5029 of 2015 for reviewing the said order passed in the revision petition.

I have heard the learned counsel for the parties and perused the record.

For convenience, the parties will be referred to as they are arrayed in the civil revision petition.

In the application filed for reviewing the order passed in the revision petition, the respondent has pleaded that he has filed a counter claim in the suit for eviction of the petitioner and that he has also filed an application under Order XV-A of the Code of Civil Procedure (CPC) for a

direction to the petitioner to deposit the rents.

Mr. O. Manohar Reddy, learned counsel for the respondent, submitted that as the civil revision petition was disposed of at the admission stage, the fact of his client filing a counter claim for eviction of the petitioner and also an application under Order XV-A of CPC for a direction to the petitioner to deposit the rents, was not in the knowledge of the Court, and that based on the observations made by this Court in the civil revision petition, to the effect that the petitioner can open a bank account and deposit the rents payable to the respondent, in case the respondent is not willing to receive the rents, the lower Court is not proceeding with the application filed by the respondent under Order XV-A of CPC.

As submitted by the learned counsel for the respondent, the fact that his client has filed a counter claim for eviction of the petitioner and also an application for a direction to deposit the rents was not in the knowledge of this Court at the time of disposal of the revision petition by it. In a counter claim for eviction, non-payment of admitted rents would be a ground for striking off the defence of the petitioner under Order XV-A of CPC. Since the limited grievance of the petitioner in the civil revision petition was purported inaction of the lower Court in disposing of I.A. No.1269 of 2014, I am of the opinion that order dt.23.01.2015 requires to be recalled and the civil revision petition needs to be disposed of afresh.

Accordingly, order dt.23.01.2015 is recalled and Review C.R.P.M.P. No.5029 of 2015 is allowed.

As observed above, as the grievance of the petitioner is innocuous, the lower Court is directed to dispose of I.A. No.1269 of 2014 along with the application filed by the respondent under Order XV-A of CPC, within two months from the date of receipt of this order.

Subject to the above directions, the civil revision petition is disposed of.

As a sequel to disposal of the civil revision petition, C.R.P.M.P. No.5664 of 2014 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

19.02.2016

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