

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

C.R.P.No.4311 of 2014

Date : 27-3-2015

Between :

R. Sadananad Goud .. Petitioner

And

M. Venkat Reddy and others .. Respondents

Counsel for petitioner : Mr. G. Ashok

Counsel for respondents : Mr. K. Mahipathi Rao

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order dated 15-9-2014 in I.A.No.41/2013 in O.S.No.122 of 2013 on the file of the learned II Additional Senior Civil Judge, Ranga Reddy District.

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

The respondents have filed the above mentioned suit for eviction of the petitioner and recovery of arrears of rent. Pending the suit, the respondents have filed I.A.No.41 of 2013 under Order XV-A CPC for striking off the defence on the ground of failure of the petitioner to pay the arrears of admitted rent. The petitioner has filed a counter-affidavit wherein he has inter alia denied the allegation that he was a defaulter and that any arrears are payable by him. By order dated 15-9-2014, the lower Court has allowed the I.A.

A perusal of the order of the lower Court shows that it is not only vague but it also suffers from the absence of any clarity whatsoever. In the face of the counter-affidavit filed by the petitioner raising several aspects, the lower Court ought to have passed a detailed order by quantifying the arrears of admitted rent. Instead, it has referred to its earlier order dated 10-6-2014 wherein the learned Judge was stated to have directed deposit of "entire admitted rents upto 18-7-2014". In this revision petition, the petitioner has specifically submitted that he was in arrears of only Rs.5,06,000/-; that he has deposited a sum of Rs.2 lakhs by way of cheque and that he is liable to pay only a sum of Rs.3,06,000/- towards arrears.

At the hearing, Mr. G. Ashok, learned counsel for the petitioner, has pleaded that his client has deposited the said sum by way of banker's cheque dated 26-2-2015 in pursuance of the interim order passed by this Court.

As there is a serious dispute regarding the quantum of arrears, the order under revision is set aside and the case is remanded to the lower court for fresh consideration and passing a detailed speaking order after hearing both the sides. The respondents are permitted to withdraw the amounts deposited by the petitioner pending disposal of the I.A.

The Civil Revision Petition is allowed to the extent indicated above.

As a sequel to the disposal of the Civil Revision Petition, CRPMP No.5902 of 2014 is disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 27-3-2015

AM