

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.2306 of 2015

ORDER:

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This civil revision petition under Article 227 of the Constitution arises out of the order dated 13.10.2014 passed by the learned II Additional Junior Civil Judge, Tadepalligudem, in I.A.No.2461 of 2012 in O.S.No.187 of 2012. The said I.A. was filed by the petitioner herein, the plaintiff in the suit, under Order 15A CPC, seeking permission to deposit the admitted rent of Rs.1,600/- per month payable for the plaint schedule property for the months of August and September, 2012, to the credit of the suit and to continue to deposit the rentals at the same rate till the disposal of the suit.

O.S.No.187 of 2012 was filed by the petitioner/plaintiff for a permanent injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the plaint schedule property. According to the petitioner/plaintiff, the monthly rental payable by him in respect of the plaint schedule property was Rs.1,600/- per month and that the same was due for the months of August and September, 2012. He therefore filed the subject I.A. seeking permission from the Court to deposit the said arrears of rent to the credit of the suit and to continue to deposit such rentals till the disposal of the suit. The trial Court took note of the fact that the respondents/defendants were admittedly the owners of the suit schedule property but, as they disputed the quantum of rent pleaded by the petitioner/plaintiff and also stated that they required the suit schedule property for their bona fide personal occupation, the trial Court held that when there was a serious dispute about the quantum of rent, no permission could be given to the petitioner/plaintiff to deposit the same to the credit of the suit.

Sri S.R. Sanku, learned counsel for the petitioner/plaintiff, informed this Court that the respondents/defendants, being the owners of the suit schedule property, filed R.C.C.No.4 of 2013 before the Rent

Controller, Tadepalligudem, seeking eviction of the petitioner/plaintiff, the tenant.

As the respondents/defendants have already approached the Rent Controller, Tadepalligudem, under the provisions of the Andhra Pradesh Buildings (Lease, Rent & Eviction) Control Act, 1960, and their petition seeking eviction of the petitioner/plaintiff is pending consideration before the said Rent Controller, Section 11 of the said Act would come into operation and it would be necessary for the petitioner/plaintiff to deposit the rentals payable in respect of the property in question to the credit of the proceedings pending before the Rent Controller. The application filed before the trial Court cannot therefore be acted upon in the light of the institution of R.C.C.No.4 of 2013.

The civil revision petition is accordingly dismissed confirming the order passed by the trial Court, leaving it open to the petitioner/plaintiff to move an appropriate application before the Rent Controller, Tadepalligudem, in R.C.C.No.4 of 2013 filed by the respondents/defendants. Needless to state, such an application, if filed, shall be considered upon its own merits and in accordance with law, uninfluenced by any observations made by the trial Court in the order under revision.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

9th September, 2015
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