

THE HONOURABLE SRI JUSTICE DILIP B.BHOSALE
CIVIL REVISION PETITION No.1471 OF 2014

P.C.:

Heard learned counsel for the parties.

This Civil Revision Petition is against the order dated 01.04.2014 passed on an application bearing I.A.No.179 of 2013 in O.S.No.200 of 2012 whereby the said application filed by the respondent-plaintiffs under Order XV (A) (2) read with 151 of the Code of Civil Procedure for striking off defence of the petitioner-defendants and decreeing the suit, as prayed for, on the ground that the petitioner did not deposit the arrears of rent within the stipulated time, has been allowed.

This Court on 12.06.2014 had passed the following order:

“Vide order dated 29-05-2014, further proceedings in O.S.No.200 of 2012 on the file of the learned XXVII Additional Chief Judge, City Civil Court, Secunderabad, were stayed subject to the condition that the petitioner clears the entire arrears of rent due as on that date within ten days. It is represented that till date, the petitioner has not deposited the arrears of rent.

Learned counsel for the petitioner has handed over a demand draft for a sum of Rs.3,00,000/- towards part payment of arrears of rent to the counsel for the respondent in the Court.

Learned counsel for the petitioner prays for some more time to deposit the remaining arrears of rent.

Learned counsel for the respondent opposed for grant of further time stating that the petitioner has already taken sufficient time for deposit of arrears of rent.

After hearing the counsel for the parties, I direct the petitioner to deposit arrears of rent on or before 31-07-2014.

It is made clear that no further extension will be granted to the petitioner and in case the petitioner commits default in payment of the arrears of rent, this revision shall stand dismissed without any further hearing.”

It is not in dispute that as per the order dated 12.06.2014, the petitioners have deposited the entire arrears of rent. Learned counsel for the respondents-plaintiffs, however, submits that from June, 2014, the petitioners have not deposited the rent and hence again they are in

arrears since then till today. Learned counsel for the petitioners, on the other hand, submits that since there was no direction to deposit the rent after June, 2014, the petitioners have not done so, but the petitioners are prepared to deposit the entire arrears and shall also keep depositing the rent before 10th of every month. His statement is accepted. In the circumstances, I dispose of the C.R.P. by the following order:

“1) The petitioners shall deposit the entire arrears of rent on or before 30.04.2015 and shall continue to deposit the rent on or before 10th of every month. If the petitioners fail to deposit the arrears from June, 2014, till the end of February, 2015, on or before 30.04.2015, the order impugned in the present C.R.P. shall stand revived, and in that event the trial Court shall proceed to decide the suit as if the defence has been struck off. It is also made clear that if the petitioner fails to deposit the rent of every month from March, 2015 till the suit is disposed of, the Court below shall pass appropriate order including imposing an interest @ 12% on the amount of rent due.

2) The Trial Court shall also endeavor to decide the suit as expeditiously as possible and preferably within a period of one year from the date of receipt of this order. Parties are directed to co-operate for disposal of the suit within the stipulated time.”

Miscellaneous petitions pending in the Civil Revision Petition, if any, also stand disposed of.

DILIP B.BHOSALE, J

27th February, 2015.

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