

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.4593 of 2001

ORDER:

This revision is filed against the order dated 18.08.2001 in R.C.A.No.01 of 1997 on the file of Senior Civil Judge, Bapatla, whereunder, orders dated 18.12.1996 in RCC No.9 of 1993 on the file of Rent Controller-cum-Principal District Munsif, Bapatla are confirmed.

2. Brief facts leading to this revision petition are as follows:

Revision petitioner herein filed R.C.C.No.9 of 1993 invoking Section 8 and 9 of A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short "Rent Control Act"), seeking permission to deposit rents payable every month to the credit of R.C.C contending that respondent Nos. 1 and 2 herein are original owners of the schedule premises and the same was leased out to him on a monthly rent of Rs.400/- and they agreed to sell this property to the appellant, but subsequently, executed agreement of sale in favour of R-3 herein and subsequently matter has been compromised, according to which, R-3 herein has given up his claim on the property, then appellant filed O.S.No.29 of 1992 for specific performance of oral contract of sale. In the meantime, R-3

got issued a notice claiming to be purchaser of the schedule property and demanded for rent, for which, appellant issued a reply notice and as there is collusion between R-2 and R-3, he sought permission to deposit the rent to the credit of R.C. case.

3. This was resisted by respondents and during pendency of R.C.C., R-1 died and R-4 and R-5 are brought on record as legal representatives of R-1, and on enquiry, the learned Rent Controller found that the appellant has not followed due procedure contemplated under Section 8 and 9 of the Rent Control Act, and therefore dismissed the application. Aggrieved by which, he preferred appeal to the Appellate Authority-cum-Senior Civil Judge, Bapatla and the appellate authority, on a reappraisal of the evidence, confirmed the orders of the Rent Controller holding that Rent Controller has not committed any illegality or irregularity and found that the provisions of Section 8 and 9 of the Rent Control Act are not duly complied with by the appellant herein. Aggrieved by the same, present revision is preferred.

4. Though the revision is listed for final hearing under the caption of old mattes, no interest is evinced in arguing the case.

5. I have perused the material papers including orders of Rent Controller in R.C.C.No.9 of 1993 and Appellate Authority in R.C.A.No.1 of 1997. The main

contention of appellant as per grounds of revision is that both the Courts disallowed the claim of the appellant due to pendency of specific performance suit and the same is not correct. But as seen from the orders of the Rent Controller and the Appellate Authority, both the Courts refused the relief for the reason that appellant has not followed the procedure under Section 8 and 9 of the Rent Control Act, but not due to the pendency of specific performance suit. The entire case of appellant as per the grounds of revision is in respect of specific performance suit but nowhere it is stated how the appellant has followed the provisions of Section 8 and 9 of Rent Control Act.

6. According to the provisions of Section 8 and 9 of Rent Control Act, before approaching Rent Controller, a tenant, who intends to deposit the rents into the Court should send the same by Money Order (M.O.) to the owner of the building and thereafter should issue a notice requesting the owner to specify the Bank, where the rent has to be deposited, and if no results are yielded after taking such steps, then only, one should approach the Rent Controller seeking permission for deposit of the rents, but the appellant has not followed this procedure, and for that reason, both Rent Controller and Appellate Authority refused to grant relief as claimed by the revision petitioner.

7. On a scrutiny of the material, I am of the view that both the Courts have not committed any error in refusing the relief and there is neither illegality nor irregularity in the orders of the Courts below to be rectified by this Court under the revisional powers.

8. For these reasons, this Civil Revision Petition is devoid of merits and accordingly dismissed. No costs. No costs.

Miscellaneous petitions, if any pending, in this revision petition shall stand closed.

S. RAVI KUMAR, J

Date: 25-02-2015

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