

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

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CIVIL REVISION PETITION No.3990 OF 2015

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ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed aggrieved by the order, dated 02.09.2015, passed in I.A.No.920 of 2015 in A.S.No.187 of 2015 by the XI Additional Chief Judge, City Civil Court, Hyderabad.

Respondents filed O.S.No.375 of 2014 on the file of Additional Judge – cum – VI Senior Civil Judge, City Small Causes Court, Hyderabad, for recovery of possession, arrears of rent and mesne profits. The said Suit was decreed by judgment, dated 07.07.2015. Aggrieved by the same, petitioner – defendant has filed A.S.No.187 of 2015 before the XI Additional Chief Judge, City Civil Court, Hyderabad. In the said A.S., petitioner has filed the present I.A., to stay the execution of the judgment and decree, dated 07.07.2015. The Court below, by impugned order, dated 02.09.2015, has granted stay of execution of the decree, dated 07.07.2015, on condition of petitioner depositing arrears of rent within 15 days from the date of passing of such order.

In this revision petition, it is contended by the learned counsel for petitioner that though he has made investment for development of the property in question, without considering the same, the impugned order is passed.

This Court is not convinced with the submission made by the learned counsel for petitioner. If at all such investments are made, the same have to be considered at the time of disposal of the appeal and there are no grounds to interfere with the conditional impugned order

passed by the first appellate Court.

Accordingly, the revision petition is dismissed. However, the petitioner is granted four weeks' time from today to pay the arrears of rent, failing which, it is open to the respondent – decree holders to execute the decree. Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. No costs.

R. SUBHASH REDDY, J

October 09, 2015

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