

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.1551 of 2014

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.13.03.2014 in I.A.No.1234 of 2013 in O.S.No.431 of 2013 on the file of III Additional Chief Judge, City Civil Court, Hyderabad.

2. The petitioners herein are plaintiffs in the above suit.

3. The petitioners filed the suit for eviction of respondents. Pending suit, they filed I.A.No.1234 of 2013 under Order 15A C.P.C. contending that the admitted rate of rent is Rs.800/- per month and that from 01.07.2006 till date of filing of suit the arrears of rent would be Rs.48,000/-; and a direction be given to respondents to deposit this rent from the date of the suit till a final decision in the suit is rendered.

4. Counter-affidavit was filed by respondents admitting that the rate of rent is Rs.800/- per month, but pleading that there are no arrears to be paid.

5. By order dt.13.03.2014, the Court below took note of the plea of respondents and dismissed I.A.No.1234 of 2013 holding that the respondents have denied that there are arrears of rent, and so no relief can be granted to

petitioners.

6. Challenging the same, the present Revision is filed.

7. Heard Sri M.V. Suresh, counsel for petitioners. None appears for respondents even though notice in the Revision has been served on them.

8. The counsel for petitioners submits that as per Order 15A even if the defendant in a suit for eviction pleads in his written statement that there are no arrears of rent, the Court still has a duty to conduct an enquiry and pass orders after affording opportunity to both the parties, and that this obligation has not been discharged by the Court below.

9. There is much force in the contention of counsel for petitioners.

10. A reading of the impugned order does not indicate that the Court below has thought it fit to conduct any enquiry into the matter and seems to have simply accepted the statement of respondents that there are no arrears of rent.

11. Therefore, the impugned order is set aside; I.A.No.1234 of 2013 is remitted back to the file of the III Additional Chief Judge, City Civil Court, Hyderabad; and the said Court is directed to conduct an enquiry into the

matter after giving opportunity to both sides, and then pass an order in accordance with law. This exercise shall be completed with a period of six (06) weeks from the date of receipt of a copy of this order.

12. Accordingly, the Revision is allowed with the above directions. No order as to costs.

13. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 07.10.2015

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