

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.231 of 2015

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ORDER:

The petitioner herein is the appellant in R.C.A.No.27/2014 on the file of the Court of the learned Principal Senior Civil Judge, Visakhapatnam. The respondent herein filed the Rent Control Case in R.C.C. No.7/2013 seeking eviction of the petitioner herein, and the same was allowed by order dated 25.08.2014. Challenging the same, the petitioner herein preferred the above said R.C.A. In the said appeal, when the petitioner sought stay of execution of the order in R.C.C.No.7/2013 dated 25.08.2014, the learned appellate authority passed an order granting stay of all further proceedings, subject to condition of the petitioner therein depositing the arrears of rent @ Rs.1,000/- per month from April 2011 till the date of passing of the order on 17.12.2014, on or before 30.01.2015 and continue to deposit the monthly rent on or before 10th of every succeeding month by issuing notice to the respondent-landlord. However, the respondent-landlord was prevented from withdrawing the said amount till disposal of the appeal.

Learned counsel for the petitioner submits that the learned Rent Controller passed an order without giving a finding that the petitioner is a tenant of the premises on established evidence. He further submits that the petitioner has not complied with the order of deposit of amount within the time prescribed i.e., 30.01.2015. But, this Court is not inclined to go into the merits of the case in view of the pendency of the appeal in R.C.A.No.27/2014. However, since the appeal has been pending for the last one year, the learned Principal Senior Civil Judge, Visakhapatnam, is directed to dispose of the said appeal as expeditiously as possible, but not later than 31.01.2016, after giving due opportunity to both the parties. In the circumstances, time is granted to the petitioner upto 31.12.2015 to deposit the arrears as on that date.

Accordingly, this Civil Revision Petition is disposed of. There shall be no order

as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

02.12.2015

MVA

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