

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.729 of 2015

ORDER:

The plaintiff in O.S.No.665 of 2013 on the file of the Court of III Additional Junior Civil Judge, Guntur (for short, trial Court) is the petitioner herein. She filed the said suit seeking eviction of the respondent. In the said suit, the petitioner filed I.A.No.251 of 2014 seeking a direction to the respondent to pay the arrears of rents from April, 2013 to June, 2014, being a sum of Rs.90,000/-, failing which the defence of the respondent may be struck off. The trial Court, by order dated 29.10.2014, dismissed the said application on the ground that the petitioner herself has been refusing to receive the rents sent by the respondent. Challenging the said order, the present Civil Revision Petition is filed.

2. The relationship between the petitioner and the respondent is not denied. The respondent himself stated in his counter that from April, 2013 when he offered the rent @ Rs.7,200/- per month, the same was returned by the petitioner on every occasion. Thus, the respondent himself admitted the rent as Rs.7,200/- per month. Since a suit for eviction is filed by the petitioner and the respondent is not denying the relationship, the respondent is under an obligation to pay the arrears of rents and the admitted rents during the pendency of the suit. Therefore, the order of the trial Court dated 29.10.2014 dismissing I.A.No.252 of 2014 in O.S.No.665 of 2013 on the ground that the petitioner herself was refusing to receive the rent, is not correct.

3. Hence, the order of the trial Court is set aside and I.A.No.252 of 2014 is allowed by directing the respondent/defendant to deposit the arrears of rents within a period of one month from the date of receipt of a copy of this order and shall continue to pay the rent @ Rs.7,200/- per month on or before 5th of every month till disposal of O.S.No.665 of

2013.

4. Accordingly, the Civil Revision Petition is allowed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 30.12.2015
TJMR