

HON'BLE SRI JUSTICE R.SUBHASH REDDY

C.R.P.No.3221 of 2015

ORDER :

This civil revision petition is filed under Article 227 of the Constitution of India by the defendant in O.S.No.307 of 2012 aggrieved by the order dated 09.10.2014 in I.A.No.1237 of 2013 passed by the III Senior Civil Judge, City Civil Court, Secunderabad.

The respondents/plaintiffs filed the suit for eviction, recovery of arrears of rent, future mesne profits and damages. In the aforesaid suit, the respondent filed application under Order XV-A CPC for deposit of rents. By impugned order, the trial Court directed the petitioner herein to deposit arrears of rent, which fell due from 01.12.2011 to 31.03.2012 @ Rs.13,000/- per month and also continue to deposit monthly rents at the same rate on or before 10th of every succeeding month in to the Court.

It is contended by the learned counsel for the petitioner that as there is no denial of jural relationship of landlord and tenant, the impugned order is passed. It is also submitted that the father of the respondents has leased out the suit schedule premises and as per his advise, he was paying rents to the mother of the respondents.

Except such defence, no other evidence is

adduced. It is the specific case of the respondents that they have leased out the schedule premises to the petitioner and the ownership is not in dispute. In the absence of any evidence adduced by the petitioner to show that the rents are being paid to the mother of the respondents, we do not find any illegality to interfere with the impugned order passed by the Court below. Therefore, the civil revision petition is liable to be dismissed. However, with regard to the arrears of rent, it is submitted that some amount towards arrears of rent is already deposited. In that view of the matter, the petitioner is granted six weeks time to pay the balance amount due and shall continue to pay the monthly rents as ordered by the trial Court.

With the above observations, the civil revision petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

**JUSTICE R. SUBHASH
REDDY**

28.08.2015
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DATED: 28.08.2015