

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

C.R.P.No.3893 of 2015

Date:18.09.2015

Between:

Lakkireddy Srinivasa Reddy,
S/o Samba Reddy

..... Petitioner

And:

M/s Bommidala Enterprises, Guntur
City, repled., by its Partner-Bommidala Venkata
Sri Koti Ratnam

.....Respondent

Counsel for the Petitioner: Mr.Koneti Raja Reddy

Counsel for the Respondent: Mr. S.Satyanarayana
Moorthy

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 27.8.2015, in I.A.No.803 of 2014 in O.S.No.1061 of 2012 on the file of the learned Principal Senior Civil Judge, Guntur.

The respondent filed the above-mentioned suit for eviction of the petitioner. He has filed I.A.No.803 of 2014 under Order-XV-A Rule-1 and Section 151 of the Code of Civil Procedure for a direction to the petitioner to deposit the arrears of rent to the tune of Rs.7,18,260/-. The petitioner filed a counter-affidavit resisting the said application. However, the lower Court by the order under

revision has allowed the application as prayed for with the only modification that a sum of Rs.1,30,539/- paid by the petitioner towards the municipal tax shall be deducted. Accordingly, the lower Court has directed the petitioner to deposit a sum of Rs.5,87,721/- within one month, failing which, the defence of the petitioner shall be struck off.

Mr. Koneti Raja Reddy, learned counsel for the petitioner, submitted that there is no evidence to show that the rent was enhanced to Rs.15,870/- from January, 2011.

Opposing this submission, Mr. S.Satyanarayana Moorthy, learned counsel for the respondent, submitted that there is no serious denial of his client's averment in this regard and that therefore, the petitioner cannot deny the enhanced rent.

Having regard to the facts and circumstances of the case, I am of the opinion that interests of justice would be met if the petitioner deposits a sum of Rs.5 lakhs, without prejudice to the right of the respondent to plead that the enhanced rent is Rs.15,870/- per month from January, 2011 in the suit.

Learned counsel for the petitioner requested for reasonable time for depositing the rent by his client.

Accordingly, the petitioner is granted four months' time from today for such deposit, failing which, his defence will automatically stand struck off.

Subject to the modification of the order under revision to the above extent, the Civil Revision Petition is disposed of.

As a sequel to disposal of the Civil Revision Petition, CRPMP.No.5198 of 2015 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*18th September, 2015
DR*