

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.5845 OF 2015

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India by the defendant in the suit in O.S.No.548 of 2013 on the file of the XVII Additional Senior Civil Judge, City Civil Court, Hyderabad aggrieved by the order, dated 21.12.2015, in I.A.No.1553 of 2015 in A.S.No.289 of 2015 passed by the X-Additional Chief Judge, City Civil Court at Hyderabad.

The aforesaid suit in O.S.No.548 of 2013 filed by the respondent herein was decreed on 28.09.2015 with a direction to the petitioner herein to vacate and handover the peaceful possession of the suit schedule property and also to pay the arrears of rent @ Rs.5,500/- per month from June, 2012 till the delivery of vacant possession. As against the said judgment, the matter was carried in appeal in A.S.No.289 of 2015 before the X-Additional Chief Judge, City Civil Court at Hyderabad, in which the present I.A. is filed seeking stay of all further proceedings including execution of decree and judgment passed in O.S.No.548 of 2013. By the impugned order, the lower appellate Court granted stay on condition of depositing

arrears of rent as per the lower Court judgment and decree.

In this revision, it is contended by learned counsel for the petitioner that in R.C.No.45 of 2013 filed before the Principal Rent Controller by the petitioner herein, who is the tenant, rent for the subject property was fixed at Rs.800/- per month and, as such, there is no justification for decreeing the present suit in O.S.No.548 of 2013 with a direction to pay the arrears of rent @ Rs.5,500/- per month.

With regard to quantum of rent, this Court is of the view that it is a matter for adjudication in the appeal in A.S.No.289 of 2015 and, at the same time, without paying rent to the respondent/landlord, the petitioner cannot be allowed to stay in the subject premises. The payment of rent @ Rs.5,500/- per month is subject to final adjudication in A.S.No.289 of 2015. Hence, there is no merit in this revision so as to interfere with the impugned order.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

R.SUBHASH REDDY, J

06.01.2016

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