

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P.No.3996 OF 2016

ORDER :

Heard learned counsel for the petitioner.

Impugning the order dated 18.07.2016 in rejection of the un-numbered appeal by the learned Chief Judge, City Small Causes Court, Hyderabad in R.A.(SR) No.2558 of 2016 the revision is maintained. The un-numbered appeal was against the eviction order dated 31.03.2016 of the III Additional Rent Controller, Hyderabad in R.C.No.175 of 2012. Said rejection of the un-numbered appeal was on the ground of non-compliance with Section 20 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short 'R.C. Act') by deposit of arrears of rent. The compliance required is to show that all the arrears must be deposited or it must be shown that there are no arrears due as on the date to maintain the appeal.

2. It is the submission of the learned counsel for the petitioners by filing bunch of papers about the deposits made to the Civil Court deposits before the Rent Controller to the credit of the matter and that there are no arrears. This Court directed to file a better affidavit reflecting the Civil Court deposit challan particulars on oath to say what are the amounts due and what are the amounts deposited reflecting to show that there are no arrears as on the date of filing the appeal in compliance with the mandatory requirement under

Section 20 of the R.C. Act. To that direction, an affidavit is filed by the counsel only saying that the rents are deposited and there are no arrears.

3. Having regard to the above, the revision petition is disposed of before the admission stage by setting aside the order dated 18.07.2016 passed by the Chief Judge, in R.A.(SR) No.2558 of 2016 and by restoring the un-numbered appeal to its file by giving opportunity to the petitioner that within one week after receiving of this order, shall submit a detailed affidavit with all particulars of what are the amounts deposited with reference to the proof of the challans and what are the amounts due, if not shown of no dues as on the date of filing of the appeal, and to deposit what are the arrears, then to consider for numbering the appeal if otherwise in order. There shall be no order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

21.10.2016
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