

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.Nos.6010 and 6011 of 2016

COMMON ORDER :

These two Revisions are filed by the respective petitioners challenging the separate orders dt.08.11.2016 in I.A.No.1703 of 2016 in O.S.No.342 of 2015 and I.A.No.1072 of 2016 in O.S.No.248 of 2015 on the file of the Principal Senior Civil Judge, Eluru.

2. The petitioners herein are defendants in the above suit.
3. The respondent filed the above suits for eviction of petitioners, for payment of arrears of rent, damages and other reliefs.
4. The respondents contended that the premises in question belong to them, that the respective petitioners are tenants, that the respective petitioners fell in arrears of rent and also failed to vacate the subject premises.
5. The respondents filed I.A.No.1703 of 2016 in O.S.No.342 of 2015 and I.A.No.1072 of 2016 in O.S.No.248 of 2015 under Order 15A of Civil Procedure Code, requesting the Court to direct the respective petitioners to pay monthly rentals shown as arrears and also future rents.
6. Counter-affidavit has been filed by the respective petitioners admitting the tenancy, but taking a plea that the respondents' officials

were offered rents by the petitioners, but they refused to receive it, and so the petitioners were advised to deposit the rents in the Court by obtaining the permission of the Court. They also disputed the quantum of rent claimed by respondent in both the suits.

7. By separate orders dt.08.11.2016, the said I.A.s were allowed holding that the respondent had claimed specific amounts in respect of each item as rent but the respective petitioners while disputing the quantum of rent pleaded by respondent have not themselves mentioned what the admitted rent was. It therefore held that it is necessary in the interest of justice to direct the respective petitioners to deposit arrears of rent and licence fee as claimed by the respondent. It observed that if after full trial the Court comes to the conclusion that the respective petitioners had paid any excess amounts, the respondent can be made to repay the same. It also gave a direction to the respective petitioners to deposit the amounts determined by it for the periods mentioned in its order within a period of one (01) month from the date of the order, and also directed the petitioners to continue to deposit the same regularly on or before 5th of every succeeding month and in default directed their defence to be struck off in the suit. It clarified that the directions of the Court with regard to payment of quantum of rent fixed at present to be paid by the respective petitioners to the respondent would be subject to the quantum of rent decided at the stage of final trial.

8. Challenging the same, the present Revisions are filed.

9. Heard Sri Manchanapalli Suryanarayana, counsel for petitioners, and Sri Y.V. Anil Kumar, counsel for respondent in both the Revisions.

10. Though counsel for petitioners sought to contend that the orders passed by the Court below deserve to be set aside, since the petitioners did not dispute the tenancy and did not mention the admitted rent which is within their knowledge, the Court below rightly passed the impugned orders which also protect the petitioners' interests.

11. The counsel for petitioners sought to contend that there are certain difficulties on account of the recent de-monetization scheme introduced by the Government of India in making the deposit directed by the Court below, and taking into account this circumstance, the Court may extend time for making the deposit.

12. No doubt, there would be difficulty for petitioners to make the deposit in cash in view of the recent de-monetization scheme for a short time, therefore, in the interest of justice I deem it appropriate to grant further period of eight (08) weeks from today to petitioners to comply with the orders dt.08.11.2016 passed by the Court below in I.A.No.1703 of 2016 in O.S.No.342 of 2015 and I.A.No.1072 of 2016 in O.S.No.248 of 2015.

13. The petitioners will continue to deposit the future rents also on or before 5th of the calendar month as fixed by the Court below and

the deposit for the month of December, 2016 shall be made before 5th January, 2017 and the petitioners shall continue to make such deposit during the pendency of the suit as per the orders passed by the Court.

14. In default of making the deposit in the extended period, the Civil Revision Petitions shall stand dismissed.

15. It is open to petitioners to approach the Court below and seek to deposit by way of a Bankers Cheque, or Pay Order, or Demand Draft instead of cash, and if such application is filed, the Court below shall deal with it in accordance with law. It is also open to respondent to seek to withdraw the amount after they are deposited by petitioners by filing appropriate application before the Court below in the respective suits, and appropriate orders may be passed on such applications in accordance with law by the Court below.

16. Accordingly, the Civil Revision Petitions are disposed of with the above directions. No order as to costs.

17. As a sequel, miscellaneous petitions pending if any in these Civil Revision Petitions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 07-12-2016

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