

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

CIVIL REVISION PETITION NO.161 OF 2016

Between:

Sri K.Bhaskar Reddy,

..... PETITIONER

AND

Smt. K.Anasuya

.... RESPONDENT

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DATE OF JUDGMENT PRONOUNCED: 26.02.2016

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HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO:

- 1 Whether Reporters of Local :
newspapers may be allowed to see
the Judgments?
- 2 Whether the copies of judgment :
may be marked to Law
Reports/Journals
- 3 Whether Their Ladyship/Lordship:
wish to see the fair copy of the
Judgment?

*** THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

+ CIVIL REVISION PETITION No.161 of 2016

% Dated: 26.02.2016

BETWEEN

Sri K.Bhaskar ReddyPetitioner

And

Smt. K.Anasuya ... Respondent

! Counsel for the Petitioner : Sri N.Harinath

^Counsel for the Respondent : --

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<Gist:

>Head Note:

? Citations:

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.161 of 2016

ORDER:

This revision is preferred against an order passed on 15.12.2015 in I.A.No.587 of 2015 in O.S.No.403 of 2011.

The petitioner herein is the defendant in the suit. The respondent/plaintiff moved I.A.No.587/2015 under Order 15-A (2) of CPC praying the Court to strike off the defence of the defendant on the premises that the defendant in the suit was directed by the Court on 02.07.2015 by an order passed in I.A.No.116 of 2014 to deposit the arrears of rent from the date of filing the suit i.e., from December 2011 to June 2015 @ Rs.3,500/- per month, which is the admitted rent. In I.A.No.116 of 2014, the Court also directed the petitioner herein to deposit the monthly rent before 10th of every month until disposal of the suit. Both these directions issued by the Court in I.A.No.116/2014 dated 02.07.2015 have not been complied with by the petitioner. On the other hand, the petitioner herein offered a cheque drawn in a sum of Rs.75,000/- in favour of the plaintiff on 01.09.2015 and he offered another cheque in a sum of Rs.86,000/- on the next date of adjournment, which she refused to receive. It was also pointed to the Court that rents have not been deposited into the Court as per the order dated 02.07.2015 before 10th of every month. In view of the default committed by the petitioner herein in complying with the order dated 02.07.2015 passed in I.A.No.116 of 2014, the present I.A.No.587 of 2015 is allowed and the defence of the petitioner herein has been ordered to be struck off.

Order 15-A of CPC provides for striking off defence in a suit filed by the lessor. Rule 2 thereof requires the Civil Court to serve a notice

on the defendant to show-cause as to why the defence should not be struck off, and then the Court shall consider any such cause, if shown in order to decide as to whether the defendant should be relieved of an order striking off the defence put up by him.

In the instant case duly following the said procedure, the present I.A.No.587 of 2015 has been ordered by the Court.

Sri Avinash, learned counsel appearing on behalf of the learned counsel for the petitioner herein would submit that the petitioner has drawn a memo trying to explain as to how he has complied with the Court order, but the said memo was not acted upon.

The order passed on 02.07.2015 by the Court in I.A.No.116 of 2014 is very clear. For the period from December 2011 up to end of June 2015 for nearly 43 months period, the defendant was directed to deposit the admitted rent @ Rs.3,500/- per month and 30 days time was granted by the Court for that purpose. Therefore, the petitioner herein ought to have deposited the entire arrears of rent within the time so stipulated by the Court. That he has not done and on the other hand, he has drawn a cheque of Rs.75,000/- on 01.09.2015 and offered to the plaintiff. Rs.75,000/- does not answer or satisfy the quantum of arrears payable for the entire 43 months period, which works out to Rs.1,50,500/-. This apart, there is a finding of fact recorded now that the petitioner herein has also failed to comply with the other obligation to deposit the admitted rent of Rs.3,500/- before 10th of every month. Hence, for the default committed by the petitioner herein to live up and comply with the stipulations contained in I.A., the Court below rightly struck off the defence set up by him as provided for under Order 15-A (2) of CPC. I, therefore, do not find any good reason for interference in exercise of jurisdiction vested in the Court below.

Accordingly, the civil revision petition is dismissed.

Consequently, miscellaneous petitions, if any shall stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

26.02.2016

Note:

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