

HON'BLE SRI JUSTICE G. CHANDRAIAH

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C.R.P. No. 1078 of 2016

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DATE: 26.04.2016

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Between:

K. Venkateswara Raju

.. Petitioner

And

M. Venkatesh

.. Respondent

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ORDER:-

This Civil Revision Petition is directed against the Docket Order dated 09.02.2016 made in I.A.No. 62 of 2016 in I.A.No. 1017 of 2015 in R.C.C.No. 6 of 2015 by the learned Rent Controller-cum-IV Additional Junior Civil Judge, Vijayawada, whereby the petition filed by the petitioner-tenant under Section 151 CPC to permit him to deposit the rents in the Court, is dismissed.

The brief facts of the case are that the petitioner herein is the tenant. The respondent herein, who is the landlord, filed R.C.C.No. 6 of 2015 seeking eviction of the tenant from the petition schedule property. Along with the R.C.C. the landlord filed I.A.No. 1017 of 2015 seeking a direction to the tenant to deposit monthly rents as well as arrears of rent at Rs.3,500/- per month every month from March, 2014 till disposal of the main RCC, and the learned Rent Controller-cum-IV Additional Junior Civil Judge, Vijayawada, by order dated 23.12.2015, while partly allowing the application, directed the tenant to deposit in the Court admitted rents of Rs.2,500/- per month from March, 2014 till the date of the order and also deposit

future rents at the same rate on or before 10th of every succeeding month till the disposal of the main R.C.C. Being aggrieved by the order dated 23.12.2015, the tenant filed I.A.No. 62 of 2016 under Section 151 CPC seeking to permit him to deposit the rents in the Court, and the Rent Controller, by the Docket Order dated 09.02.2016, dismissed the petition as not maintainable on the ground that the tenant failed to deposit arrears of rents by non-complying with the order made in I.A.No.1017 of 2015 in spite of granting him permission to deposit arrears till 25.01.2016 and did not permit him to deposit rents through lodgment schedules. Challenging the impugned Docket Order, the tenant has filed the present revision petition.

This Court, by order dated 26.02.2016, while ordering notice before admission, granted interim stay of all further proceedings in R.C.C.No. 6 of 2015. Subsequently, on 13.04.2016, when the matter was called, there was no representation on behalf of the petitioner-tenant, however the learned counsel for the respondent – landlord submitted that the tenant already vacated the petition schedule property and delivered the vacant possession to the landlord. Today, when the matter is taken up for hearing, no representation is made on behalf of the petitioner-tenant and the learned counsel for the respondent-landlord has reiterated his earlier submission.

In view of the submission made by the learned counsel for the respondent-landlord that the petition schedule property was already vacated and possession thereof was handed over by the tenant to the landlord, no further orders need be passed in this petition.

Hence, this Civil Revision Petition is closed as no further orders are necessary. No order as to costs.

As a sequel to the closure of the Civil Revision Petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

26.04.2016

bcj