

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION Nos. 139 and 602 OF 2016

COMMON ORDER:

As Sri Mohd. Shafiuddin, learned counsel for the respondent, was not present on 11.04.2016, both these CRPs were directed to be posted after summer vacation. Again when these two CRPs were listed on 10.06.2016, and as there was no representation on behalf of the respondent, they were directed to be posted on 17.06.2016. When the CRPs were listed on 08.07.2016, Sri Mohd. Shafiuddin, learned counsel for the respondent, was not present and there was no representation on his behalf. The CRPs were, therefore, directed to be listed under the caption "for orders" today. Even today, neither is Sri Mohd. Shafiuddin, learned counsel for the respondent, present nor is there any representation on his behalf.

Heard Sri Meherchand Nori, learned counsel for the petitioner.

The petitioner and the respondent are common in both these CRPs. While the petitioner herein is the landlord, the respondent is her tenant paying monthly rent of Rs.6,600/- and Rs.7,600/- respectively for two flats prior to the Year 2008. From the orders of the trial Court, it does appear that the rent was enhanced to Rs.14,000/- per month for both the flats from the Year 2008 onwards. The learned XVII Additional Senior Civil Judge, City Civil Court, Hyderabad, in his order in O.S.No.391 of 2010 and O.S.No.443 of 2010 dated 13.02.2015 respectively, directed the respondent herein to vacate the suit schedule property and pay arrears of rent from 01.12.2008 to 01.11.2009 within one month and to continue to pay the rent @ Rs.14,000/- per month from the date of the decree till delivery of vacant possession. The admitted rent paid by the tenant was directed to be adjusted with the amounts due.

Aggrieved thereby, the respondent herein carried the matters in appeals before the XXV Additional Chief Judge, City Civil Court, Hyderabad who, by the orders under revisions, granted stay of all

further proceedings in respect of the impugned judgments and decrees of eviction till further orders pending disposal of the main appeals on payment of costs of the suits.

In the orders under revision, the Court below records that there was reasonable ground to allow the petitioner on certain conditions, and there was no harm in staying all further proceedings in respect of the judgments and decrees of eviction on certain conditions till further orders, pending disposal of the main appeals. However, except directing the respondent herein to pay costs, no other condition has been imposed, in the orders under revision, by the Court below.

Sri Meherchand Nori, learned counsel for the petitioner, would submit that, as a result of the orders passed by the Court below, the respondent herein has not paid a single rupee as rent ever since the date of the order, he has also not paid the arrears, and he has neither paid the earlier rent of Rs.6,600/-/Rs.7,600/- per month which he was paying earlier, nor has he paid the enhanced rent of Rs.14,000/- even for a single month.

While the question whether the petitioner herein is entitled to have the respondent-tenant evicted from the subject properties must be examined in the appeals pending before the Court below, the respondent cannot be permitted to continue to remain in occupation of the flats without paying any rent whatsoever. I consider it appropriate, in such circumstances, to modify the orders passed by the Court below, and direct that all further proceedings, pursuant to the judgments and decrees of eviction, shall remain stayed pending disposal of the appeals on condition that the respondent herein pays arrears of rent @ Rs.6,600/-/Rs.7,600/- from the date of the decrees till 31.07.2016; and, from 01.08.2016 onwards, pays Rs.14,000/- per month for each of the two flats on or before the 5th of every succeeding month. The first of such payments, for the month of August, 2016, shall be made on or before 05.09.2016. The entire arrears of rent shall be paid by the respondent within three months from the date of receipt of

intimation of the order passed by this Court.

As neither is the learned counsel for the respondent present, nor is there any representation on his behalf, Sri Meherchand Nori, learned counsel for the petitioner, is permitted to communicate this order to the learned counsel for the respondent herein in the Court below, and on the respondent-tenant, by registered post with acknowledgment due. It is made clear that failure on the part of the respondent herein to pay the amounts as afore directed shall automatically result in vacation of the order passed by this Court modifying the order passed by the Court below, and it would then be open to the petitioner herein to have the decree, passed by the trial Court, executed in accordance with law.

Both the Civil Revision Petitions are disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

Date: 15.07.2016

Note: Issue CC in one week

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