

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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CIVIL REVISION PETITION NO.3715 OF 2016

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ORDER:

This civil revision petition is filed under Article 227 of Constitution of India, against the order passed by the Special Judge for Trial of Cases under SCs & STs (POA) Act, 1989-cum-Additional District Judge at Srikakulam in I.A.No.658 of 2015 in O.S.No.57 of 2013 dated 23.06.2016.

For the sake of convenience, the parties will be referred as arrayed before the Trial Court.

The respondent was directed to pay Rs.40,000/- per month to the petitioners towards admitted rent, i.e., admitted by the respondent on or before 10th of every month and continue to pay the same during pendency of the suit and in case the petitioners/plaintiffs refuses to receive the same, the respondent/defendant is given liberty to deposit the same to the credit of the suit.

I.A.No.658 of 2015 in O.S.No.57 of 2013 was filed under Order XV-A of the Civil procedure Code by the respondents/ petitioners contending that the rent payable for the premises was Rs.90,000/-, whereas, the revision petitioner herein admitted that the rent payable for the premises was only Rs.40,000/-.

Clause (1) of Order XV-A, deals with the power of the Court in a suit for recovery of possession, on termination of lease, or license, with or without a prayer for recovery of arrears of rent, or license fee, known with whatever description, the defendant, while filing his written statement, shall deposit the amount, representing the undisputed arrears, calculated upto that due into the Court and shall continue to deposit such amount, which becomes payable thereafter within one

week from the date on which it becomes due, till the judgment is rendered in the suit.

Clause (2) of Order XV-A permits the Court to pass an order, after affording an opportunity of hearing to both the parties and in case any amount is found due, the defendant shall be under an obligation to deposit the amount, within the specified time stipulated by the Court and continue to deposit the amount, which becomes payable thereafter, as provided under Sub-rule (1).

In the present case, though there is a dispute with regard to quantum of rent, the petitioner herein/respondent therein admitted that the rent payable for the premises was Rs.40,000/- but failed to deposit the same in compliance of Order XV-A Rule 1 of C.P.C., as amended by A.P. Amendment Act.

During hearing, learned counsel for the revision Petitioner Ms. T. Radha Rani requested this Court to extend time for compliance of the direction, as the business of the revision petitioner is facing financial crisis.

This Court while exercising power under Article 227 of Constitution of India cannot issue such a direction, since the power of this Court is supervisory in nature to keep the subordinate Courts within its limits while passing orders. At best, the revision petitioner may file a petition, if advised, under Section 148 of C.P.C for relaxation of conditions if any, and the Court if satisfied, may pass appropriate orders, but this Court cannot relax any such conditions imposed by the Trial Court. Since the admitted arrears are required to be deposited in compliance with Order XV-A, the Trial Court issued such directions and I find no illegality in the order passed by the Trial Court calling for interference of this Court.

Hence, the civil revision petition is dismissed, giving liberty to the

revision petitioner to file an appropriate application for relaxation of condition, if advised, and on filing such application, the Trial Court is directed to decide the application in accordance with law.

In the result, the civil revision petition is dismissed.

Consequently, miscellaneous applications pending if any shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:16.08.2016

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