

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos.3726, 3834 & 4012 of 2015

COMMON ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondent. All these three Civil Revision Petitions are being disposed of by this common order as the parties are common and the property involved is also common.

2. The petitioner herein is defendant in O.S.No.121 of 2013 on the file of the Court of the Senior Civil Judge, Khammam (for short, trial Court). The respondent herein filed the said suit against the petitioner for eviction and for arrears of rent from the month of October, 2012 in respect of RCC roof building consisting of ground and first floor bearing H.No.1-5/55 (old), 9-4-73 (new), having built up area of ground floor 347.20 sq.ft., and first floor 383.10 sq.ft., situated at Station Road, Khammam Municipality, Khammam Town and District. For the sake of convenience, the parties shall be referred to as they are arrayed in the suit.

3. In the said suit, the plaintiff filed I.A.No.390 of 2013 seeking a direction to the defendant to deposit the arrears of rent of Rs.25,000/- for the month of October, 2012 and for damages of Rs.50,000/- per month from November, 2012 to February, 2013, which comes to a tune of Rs.2,25,000/- and for costs. The plaintiff also filed I.A.No.391 of 2013 seeking a direction to the defendant to deposit future one year rent and damages @ Rs.50,000/- for the period from March, 2013 to February, 2014, which comes to a tune of Rs.6,00,000/- and for costs. The defendant also filed I.A.No.2143 of 2013 seeking stay of proceedings in O.S.No.121 of 2013 till disposal of O.S.No.168 of 2012 pending on the file of the Court of Additional District and Sessions Judge-cum-Special Judge for trial of cases under SCs/STs (POA) Act, Khammam.

4. O.S.No.168 of 2012 was filed by the grandmother of the defendant seeking cancellation of the registered sale deed dated 14.07.2011

executed in favour of the plaintiff in O.S.No.121 of 2013. As stated above, O.S.No.121 of 2013 was filed by the defendant in O.S.No.168 of 2012 against the grandson of the plaintiff in O.S.No.168 of 2012 who is in possession of the property and running a footwear shop. Both the suits are pending.

5. Trial Court, by a common order dated 07.04.2015, allowed I.A.No.390 of 2013 directing the defendant to deposit a sum of Rs.25,000/- per month from October, 2012 to February, 2013 and also allowed I.A.No.391 of 2013 directing the defendant to deposit Rs.25,000/- per month from March, 2013 to February, 2014. However, it was held that the withdrawal of the amounts deposited would be subject to the result in the main suit. The trial Court dismissed I.A.No.2143 of 2013, which was filed seeking stay of further proceedings in O.S.No.121 of 2013, on the same day. Challenging the orders in I.A.Nos.390, 391 and 2143 of 2013, CRP.Nos.3726, 4012 and 3834 respectively are filed.

6. This Court, by order dated 14.10.2015, granted interim suspension of the order in I.A.No.2143 of 2015 till 04.11.2015, but no interim orders were passed in respect of other IAs. However, all the three Civil Revisions Petitions are being disposed of with the consent of the learned counsel for the parties.

7. I.A.Nos.390 and 391 of 2013 were allowed by the trial Court on the basis of Ex.P.8 lease agreement dated 10.09.2012, wherein the defendant has agreed to pay monthly rent at Rs.25,000/- to his grandmother. Thus there was no dispute with regard to the monthly rent for the time being. However, the validity and fixation of monthly rent would be subject to further orders in the main suit. The main controversy appears to be with regard to the ownership of the property which is pending consideration in O.S.No.168 of 2012, which was filed seeking cancellation of the sale deed executed in favour of the plaintiff in O.S.No.121 of 2013.

8. In view of the pendency of the suits and the occupation of the premises by the defendant, it is necessary to make some interim

arrangement till disposal of the suits. Hence, in view of the *prima facie* acceptance of Ex.P.8, the common order dated 07.04.2015 of the trial Court passed in I.A.Nos.390 and 391 of 2013 cannot be found fault. Therefore, CRP.Nos.3726 and 4012 of 2015 are liable to be dismissed.

9. However, with regard to CRP.No.3834 of 2015, which is filed challenging the order in I.A.No.2143 of 2013 seeking stay of all further proceedings in O.S.No.121 of 2013, the same cannot be granted as the relief sought in both the suits are different. Hence, the order dated 07.04.2015 of the trial Court passed in I.A.No.2143 of 2013 deserves to be upheld and therefore CRP.No.3834 of 2015 is also liable to be dismissed.

10. Accordingly, all the three Civil Revision Petitions are dismissed. However, the respondent/plaintiff shall not withdraw the amount of rents deposited by the petitioner/defendant in the trial Court till the disposal of the suit. Since the suit is of the year 2013 and the earlier suit i.e., O.S.No.168 of 2012 is of the year 2012, the respective lower Courts shall dispose of both the suits, as expeditiously as possible, but not later than 30.09.2016. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 05.01.2016
TJMR