

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION NO.2462 OF 2015

ORDER:

Heard the learned counsel appearing for the petitioners. In spite of service of notice on the respondent on 03-01-2016, none appeared for the respondent and hence, this revision is being disposed of at the stage of admission after hearing the learned counsel for the petitioners.

2. This Civil Revision Petition is filed challenging the order, dated 19-01-2015 in I.A.No.1650 of 2011 in O.S.No.2201 of 2011 on the file of the Senior Civil Judge, City Civil Court, Hyderabad.

3. Petitioners herein are the plaintiffs, whereas the respondent herein is the defendant in O.S.No.2201 of 2011.

4. Petitioners herein filed the above suit seeking eviction of the respondent herein from the premises bearing No.4-2-919 to 4-2-920, situated opposite to Bus top, Ramkote, Hyderabad, admeasuring 600 square feet with two shutters. Along with the suit, the petitioners herein filed the above interlocutory application seeking a direction to the respondent to deposit the arrears of the admitted rents from January, 2011 to June, 2011 amounting to Rs.30,0000/- forthwith, pending disposal of the suit.

5. In the said application, the respondent herein filed the counter. The trial Court after considering the averments in the affidavit filed in support of the application and the counter filed by the respondent, observed as follows:

“In the result, respondent is directed to pay admitted rent of Rs.5,000/- per month from November, 2014 onward directly into the account of petitioner and the respondent is willing to pay admitted rent of Rs.5,000/- from November, 2014 for it also respondent is directed to deposit into the account of petitioner under intimation to this Court.

Respondent is also directed to pay admitted rent continuously deposit into account of petitioner till disposal of main suit.

Regarding to arrears of rent as claimed in the petition by the petitioner will be decided after full fledged trial.

If respondent fails to comply either of the conditions the defendant will be struck off.”

Challenging the said order, the present revision is filed by the petitioners.

6. Learned counsel appearing for the petitioners submits that the order passed by the trial Court is contrary to Order XV-A of CPC as the trial Court cannot postpone the direction with regard to payment of arrears of rent till disposal of the suit. A reading of Order XV-A of CPC supports the case of the petitioners. In the circumstances, the impugned order, dated 19-01-2015 is set aside and the matter is remanded to the trial Court for passing appropriate orders in accordance with law on the basis of the record already available, within a period of 30 days from the date of receipt of a copy of this order.

7. Accordingly, the Civil Revision Petition is allowed. No order as to costs. Miscellaneous petitions, if any pending in this petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 19-01-2016

Hsd