

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.881 of 2017

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India challenging the order dated 04.11.2016 in I.A.No.277 of 2016 in O.S.No.1106 of 2015 on the file of the V Senior Civil Judge Court, City Civil Court, Hyderabad.

Heard the learned counsel for the petitioners.

A perusal of the record reveals that the respondent herein filed O.S.No.1106 of 2015 against the petitioners on the file of the V Senior Civil Judge Court, City Civil Court, Hyderabad seeking a direction to the petitioners herein to vacate and handover the suit schedule property to the respondent, to pay arrears of rent and monthly rent. While things stood thus, the respondent herein filed I.A.No.277 of 2016 to direct the petitioners herein to pay arrears of rent of Rs.2,67,030/- and also to pay monthly rent of Rs.29,670/-. The petitioners herein have filed counter denying the title of the respondent. The trial Court after affording a reasonable opportunity to both the parties, allowed the petition on 04.11.2016 directing the petitioners herein to pay monthly rent of Rs.29,670/- for the suit schedule property from June 2015 to October 2016 within one month from the date of order and shall continue to pay from November 2016 onwards on or before 10th of every succeeding month to the plaintiff, failing which, their defence shall be struck off.

It is not in dispute that the petitioners have been residing in the suit schedule property and not paying the rent to the respondent. Order XV-A enable the Court to direct the tenant to pay the rent to the

landlord during pendency of the suit. It is a known fact that the tenants in almost all the matters of this nature will take a plea that the landlord has no title over the suit schedule property. No one is entitled to continue in the property without paying the rent. The trial Court after taking into consideration the facts and circumstances of the case directed the petitioners herein to pay the rent for every month. If the petitioners are allowed to continue in the suit schedule property till disposal of the suit without paying the rent, the same may cause untold hardship to the respondent. While passing the orders in interlocutory applications, the Court has to maintain the balance between the parties.

Having regard to the facts and circumstances of the case, I am of the considered view that the order passed by the trial Court is justifiable and there is no illegality or irregularity in the order of the trial Court warranting interference of this Court. As such the revision lacks merits and *bonafides* and is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed at the stage of admission. However, the petitioners are granted time up to 10.04.2017 to pay the arrears of rent of Rs.2,67,030/ -. The petitioners are further directed to pay monthly rent on or before 10th of every succeeding month. If the petitioners failed to pay the arrears of rent and monthly rent as directed by this Court, the trial Court is at liberty to proceed in accordance with law. As a sequel, the miscellaneous petitions, pending if any, shall stand closed.

T.SUNIL CHOWDARY, J

March 9, 2017.

Note:

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B/ o.Pns

