

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.15 of 2017

Date: 09.02.2017

Between:

Devarakonda Narsaiah (died),
Devarakonda Yadamma @ yadalaxmi,
Aged about 74 years, r/o. H.no.15-4-320,
SVN Road, Warangal City, Warangal Dist.
and others.

.....Petitioners/appellants/
petitioners

and

Nerella Padmanabham (died).
Nerella Gyaneswar s/o. late Padmanabham,
Aged about 46 years, r/o. H.No.13-1-163,
Mattewada, Warangal City, Warangal Urban Dist
another.

.....Respondents/respondents/
Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard Sri Subba Rao Korrapati, learned counsel for petitioners and Sri Nandigam Krishna Rao, learned counsel for the respondents.

2. Review petitioners are the petitioners in I.A.No.538 of 2016 and appellants in RCA No.3 of 2016 on the file of I Additional Senior Civil Judge, Warangal, challenge the order in I.A., refusing to stay execution of order in RCC No.2 of 1998 and to continue in possession of the subject premises as tenants.

3. Learned counsel for petitioners submits that petitioners are tenants of the subject property and that petitioners are seriously disputing the ownership claim of the respondents represented by him and that is one of the issues for consideration by the appellate Court also; that petitioners are in occupation of the subject property as tenants for long time and the litigation is going on since 1998. These facts are not denied by the learned counsel Sri N.Krishna Rao appearing for the respondents. Learned counsel for petitioner agreed to deposit an amount of 25,000/- towards arrears of rent, but sought for reasonable time to deposit the amount.

4. Having regard to the same, though both counsels have made elaborate submissions in support of their contentions, in the peculiar facts of this case, I deem it proper to dispose of this revision petition by passing equitable order, without expressing any opinion on merits.

5.1. *Prima facie*, in view of the finding recorded by the Rent Controller (Principal Junior Civil Judge) Warangal, in RCC No.2 of 1998 that rents were not paid since 2006, subject to petitioners depositing an amount of 25,000/- (Rupees twenty five thousand

only) in the first Appellate Court within three weeks from today, petitioners shall be continued in the subject premises pending disposal of the appeal or till further orders are passed by the appellate Court.

5.2. It is further directed that petitioners shall continue to deposit the rent payable by them every month till the appeal is disposed of or till further orders are passed by appellate Court.

5.3. Petitioners are granted two instalments to deposit this amount. First instalment of 12,000/- shall be deposited within ten days from today and balance amount of 13,000/- shall be deposited within twenty days from today. Respondents are entitled to withdraw the said amount as and when deposited.

5.4. Learned Senior Civil Judge is requested to expedite hearing and dispose of the R.C.A., as expeditiously as possible, preferably within a period of three months from the date of receipt of copy of this order.

5.5. Petitioners as well as respondents shall co-operate for early disposal of the RCA. If there is non-cooperation on the part of the petitioners or respondents as the case may be, it is open to the I Additional Senior Civil Judge, Warangal to pass further interlocutory orders as deemed necessary or final orders as learned Judge deems fit and proper.

6. The Civil Revision Petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 09.02.2017
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