

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.2168 OF 2017

O R D E R

This civil revision petition under Article 227 of the Constitution arises out of the order dated 20.02.2017 passed by the learned Principal Senior Civil Judge, Ranga Reddy District at L.B.Nagar, in I.A.No.1255 of 2016 in O.S.No.1791 of 2016. By the said order, the trial Court directed the petitioners herein to deposit the rents at the rate of Rs.2,00,000/- per month from 01.12.2016 up to 01.03.2017 within one month and continue to deposit the rents on or before 10th of every month.

O.S.No.1791 of 2016 was filed by the respondents herein for recovery of the arrears of rent of Rs.14,00,000/- with interest and also future rents from 01.12.2016 till vacating of the schedule property by the petitioners herein. I.A.No.1255 of 2016 was filed by them in the said suit seeking a direction to the petitioners herein to deposit the arrears of rent at the rate of Rs.2,00,000/- from 01.12.2016 till the disposal of the suit.

Perusal of the record reflects that the petitioners were admittedly inducted into possession of the suit property under rental agreement dated 01.02.2013. However, there appears to be a controversy as to the ownership of the respondents over the land in which the building let out to the petitioners was constructed. A notice under Section 7 of the A.P. Land Encroachment Act, 1905 (for brevity, 'the Act of 1905') seems to have been issued by the revenue authorities in relation to the said land and the matter is pending consideration before them.

That being so, as there is a possibility of the revenue authorities passing orders under Sections 3 and 5 of the Act of 1905, it would be premature to allow the respondents to have the benefit of the rentals deposited by the petitioners. The order under revision is accordingly modified to the extent of directing the petitioners to deposit the rentals in terms of the order under revision to the credit of O.S.No.1791 of 2016 on the file of the learned Principal Senior Civil Judge, Ranga Reddy District at L.B.Nagar. The said deposit would abide by further orders that may be passed by the Government. As the amount to be deposited as on date would be a sizeable amount being in the range of Rs.14,00,000/- to Rs.16,00,000/-, the petitioners may deposit the same in three monthly instalments. The petitioners shall also see to it that the rentals due for these three months would be paid along with such instalments. The petitioners shall continue to deposit the monthly rents due and payable thereafter to the credit of the suit on or before 10th of the calendar month.

The civil revision petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

14th JULY, 2017

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