

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.3497 OF 2017

DATED:21-07-2017

Between:

Tirumalaraju Venkata Satyavathi ... Petitioner

And

Budha Rama Krishna ... Respondent

COUNSEL FOR THE PETITIONER: Mr. S.S. Prakash

COUNSEL FOR THE RESPONDENT: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.19.1.2017 in I.A. No.1044 of 2016 in A.S. No.102 of 2016, on the file of the XIII Additional District Judge, Gajuwaka.

We have heard Mr. S.S. Prakash, learned counsel for the petitioner, and perused the record.

The petitioner has filed O.S. No.22 of 2012 before the Principal Senior Civil Judge, Gajuwaka, for eviction of the respondent from the suit schedule premises and also for payment of arrears of rent at the rate of Rs.15,000/- per month from December, 2010 to December, 2011. The said suit was decreed on 23.8.2016. Feeling aggrieved by the said decree, the respondent filed A.S. No.102 of 2016. Along with the said appeal, he has filed I.A. No.1044 of 2016 for stay of the decree. After hearing both sides, the lower appellate court has stayed the decree of the trial Court subject to the condition of the respondent depositing costs and also continuing to pay monthly rent at the rate of Rs.15,000/- tentatively on or before 5th of every month. Feeling aggrieved thereby, the respondent in the aforesaid application, filed this revision.

The learned counsel for the petitioner submitted that while his client is not aggrieved by the stay of the eviction of the respondent, her grievance is limited to the lower appellate Court not directing the respondent to deposit any part of the arrears of rent awarded under the decree of the trial Court.

Admittedly there is no written instrument between the parties stipulating the rent. The claim of the petitioner is based on an oral lease and according to her, the agreed rent as on the date of filing of the suit was Rs.15,000/- per month. It is however the case of the respondent

that the monthly rent was only Rs.5,000/-. In view of this serious dispute between the parties and in the absence of an express recital referring to the rent, the lower appellate court has exercised its discretion in not directing the respondent to deposit any part of the arrears of rent awarded under the decree of the trial Court. In these facts and circumstances of the case, I do not find any error of jurisdiction in the order of the Court below, for interference by this Court in exercise of its supervisory jurisdiction.

For the aforementioned reasons, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.4598 of 2017 shall stand disposed of as infructuous.

21-07-2017

bnr

C.V. NAGARJUNA REDDY, J

