

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.5630 of 2011

ORDER:

This Civil Revision Petition is filed by the petitioners assailing the orders dt.24-09-2011 in I.A.No.1203 of 2011 in O.S.No.1519 of 2011 of the VIII Additional Senior Civil Judge, Ranga Reddy District.

2. The petitioners are owners of the suit schedule property and the respondent is its tenant. They filed the suit for eviction of the respondent, mesne profits and arrears of rent. They filed I.A.No.1203 of 2011 invoking Order 15-A CPC directing the respondents to pay the rent @ 50000/- per month from the date of suit till disposal of the main suit.

3. The respondent admitted the tenancy but contended that the rent is only Rs.8,000/- per month.

4. By order dt.24-09-2011, the Court below held that since admitted rent is only Rs.8,000/- per month and since the respondent had not explained properly why he has not deposited the rents when he approached the Court for the first time, he has to pay rent at that amount from March 2011 onwards.

5. Challenging the same, this Revision Petition is filed.

6. Heard the learned counsel for the petitioners as well as the learned counsel for the respondent.

7. Learned counsel for the petitioners contends that the Court below ought to have directed deposit of Rs.50,000/- per month and not Rs.8,000/- per month since the respondent has been in occupation of the premises for a very long time taking into account the periodic enhancement in the rent.

8. The respondent has not admitted that the rent is Rs.50,000/- per month and he specifically contended that it is only Rs.8,000/- per month. Therefore, the Court below was correct in directing the respondent to deposit rents at that rate only pending suit. Whether the petitioner is entitled to rent or mesne profits at a higher rate will be adjudicated in the suit which according to the learned counsel for the petitioners is at the stage of arguments.

9. Therefore, at this stage, I am of the opinion that it is not a fit case to interfere with the order passed by the Court below exercising jurisdiction under Article 227 of the Constitution of India.

10. Therefore, the Civil Revision Petition is disposed of directing the Court below to decide the suit on its file within six months from the date of receipt of a copy of this order since the suit is old suit of the year 2011. No costs.

11. Therefore, the Civil Revision Petition is dismissed. No costs.

12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-01-2017
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