

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.2582 of 2017

ORDER : (Oral)

Vide the present petition, petitioner has assailed the order dated 9th February 2017, passed by the II Additional Junior Civil Judge, Guntur in I.A.No.7 of 2015 in O.S.No.222 of 2014.

2. Vide the aforesaid application, the respondent-defendants sought direction to the petitioner-plaintiff to deposit rent at the rate of Rs.9,000/- per month from the date of petition, including arrears, into the 1st respondent's account bearing S.B. A/c.No.0076101000019801 of Andhra Bank, Chikkadapalli, Hyderabad.

3. Petitioner is tenant and his case is that he is paying rent at the rate of Rs.4,500/- per month, whereas, respondents are claiming rent at the rate of Rs.9,000/- per month. Without giving any opinion as to whether the rent is Rs.9,000/- or Rs.4,500/-, the learned trial Court, during the pendency of the main suit, directed the petitioner herein to deposit rent at the rate of Rs.9,000/- per month in a joint account.

4. The petitioner-plaintiff adduced the chief evidence as PW-1 in the main suit. The suit was filed on 05.05.2014. The petitioner also marked money order receipts as Exs.A-4 to A-9. As per the said documents, the petitioner paid an amount of Rs.4,500/- per month

towards rent from May, 2014 to October, 2014. By taking into consideration the date of filing of suit, the learned trial Court observed that it can be said that the petitioner-plaintiff paid the rent of Rs.4,500/- per month after filing of the suit and he did not place any material to show that he was paying rent at the rate of Rs.4,500/- per month from June, 2012. The learned trial Court further observed that there is no material to show that the petitioner-plaintiff paid rent at the rate of Rs.4,500/- per month from June, 2012 to March, 2014. As per Exs.A-4 to A-9 of the main suit, the petitioner-plaintiff paid rent through money orders at the rate of Rs.4,500/- per month for the months from May, 2014 to October, 2014. By taking into consideration Exs.A-4 to A-9 of the main suit, the trial Court observed that the petitioner-plaintiff is not paying rent from the month of November, 2014.

5. As observed by the learned trial Court, there is no documentary evidence to show that the rent is Rs.4,500/- per month as the petitioner did not enter into written lease agreement with respondents. However, as respondents are claiming rent at the rate of Rs.9,000/- per month, the trial Court held that the petitioner-plaintiff has to pay rent of Rs.9,000/- per month from November, 2014 onwards. Further, as observed by the trial Court, in his application itself, even the petitioner has agreed to deposit the amount in the joint account.

6. In view of above, I find no discrepancy in the order passed by the trial Court.

7. Finding no merit, the instant revision petition is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

14th July 2017

ajr

