

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.930 of 2017

ORDER:

Heard.

2. The present civil revision petition is filed against the order dated 26.11.2016 passed in I.A.No.133 of 2016 in O.S.No.472 of 2012 on the file of Additional Senior Civil Judge, Chittoor, wherein the said Court allowed the prayer made by the petitioner by way of an application under Section 15-A(2) (A.P.Amended Act) seeking to strike off the defence of fourth defendant for failure to deposit admitted arrears of rent as per orders in I.A.No.789 of 2015 in O.S.No.472 of 2010. But, however, the Court granted 15 days time for depositing the amount, as per the orders in I.A.No.789 of 2015 in O.S.No.472 of 2010.

3. Learned counsel for the petitioner submits that even accepting the findings given by the trial Court to be correct, provision under Order 15A of C.P.C. cannot be made applicable to the case on hand. On the other hand, learned counsel for the respondents would submit that the impugned order came to be passed soon after the orders passed in I.A.No.789 of 2015, which came to be passed pursuant to the application made by the petitioner.

4. As seen from the record, the petitioner herein filed I.A.No.789 of 2015 seeking permission to deposit rent of

Rs.4,000/- per month into the Court therein, pending disposal of the suit. By an order dated 09.10.2015, the petition was allowed directing the petitioner to deposit rent of Rs.4,000/- per month into the Court therein right from the date of filing of the suit and continue the same till disposal of the suit. As no amount was deposited till date, the plaintiff filed I.A.No.133 of 2016 under Section 15 A (2) CPC to strike off the defense of fourth respondent therein. The said application was disposed of directing the fourth defendant to deposit rents due, as per orders in I.A.No.789 of 2015 into the Court, within 15 days from the date of the order otherwise the defense put forth by the fourth respondent shall be strike off.

4. Learned counsel for the petitioner submits that the provisions under Section 15 A (2) of the A.P.Amendment Act is not applicable to the case on hand since the suit is for declaration of title and recovery of possession but not for the termination of lease. It may be true that the provisions under Section 15 (A)(2) of the A.P. Amendment Act may not be applicable, but however, since the order in I.A.No.789 of 2015 has become final, wherein the petitioner herein himself agreed to deposit the amount of Rs.4,000/- per month, he cannot now turn back and say that he need not pay, since the provision of the Act are not applicable. In fact E.P. was filed for execution of the order. At this stage, learned counsel for petitioner submits that if reasonable time is given, the petitioner will deposit the entire arrears of rent.

5. Taking into consideration the plea of the petitioner, the order under challenge is set aside subject to the condition of the petitioner depositing the entire amount as per the orders passed in I.A.No.789 of 2015 within a period of three months from today in default the order passed in I.A.No.133 of 2016 stands restored.

6. Accordingly, the CRP is disposed of. No costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending, shall stand closed.

28.02.2017
vnb



JUSTICE C. PRAVEEN KUMAR