

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2208 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed assailing the Order dt.22.02.2017 in I.A.No.1182 of 2016 in O.S.No.839 of 2016 passed by V Senior Civil Judge, City Civil Court, Hyderabad, directing the petitioners herein(defendants), to deposit rent to the credit of the suit for the suit schedule property @ Rs.18,000/- per month from January, 2016 to August, 2016 within a period of one month from today.

The undisputed fact in this case is that the petitioners herein and respondent are the tenants and landlord respectively and the agreed rate was only Rs.18,000/- per month for the premises, payable by the end of every succeeding month. As the tenancy was terminated, the landlord filed the suit for eviction of the tenant in possession and for damages @ Rs.50,000/- per month for unauthorized occupation. The suit is being contested by the defendants. However, the petitioners before this Court did not pay the rent regularly, as agreed, the respondent herein, filed an

application under Order 15-A of CPC seeking a direction against the petitioners herein to deposit arrears of rent and monthly rent regularly to the credit of the suit.

The main contention of the respondent before the Court is that the petitioners tendered monthly rent though he is out of possession of the suit schedule premises but the respondent and his wife refused to receive rent and moreover, Rs.5,00,000/- is allegedly lying in the deposit with the respondent. In February, 2016, the petitioners herein made a request to adjust the deposited amount towards rent payable for the premises, but the respondent did not accede to the request.

The alleged deposit of Rs.5,00,000/- is in dispute and therefore, in the absence of any admission about receipt of deposit by the respondent/plaintiff, such direction cannot be given by this Court while deciding an application under Order 15-A of CPC. On the other hand, the judicial admission made by the petitioners in the counter is that the petitioners are tendering rent to the respondent, but the respondent refused. To avoid the scope of such tendering and refusal, the trial Court directed to deposit the rent to the credit of the suit

regularly including arrears within a period of one month. Therefore, the Order is totally inconsonance with the request, but the respondent requested to strike off the defence set up by the petitioners herein in the event the petitioners did not deposit the arrears of rent and future rent within the specified time, but the trial Court did not pass any Order, moreover no revision is filed challenging defective order. Therefore, in view of the limited scope of this revision, this Court cannot modify the Order passed by this Court and liberty is given to the parties herein to move appropriate application before the trial Court.

With the above liberty, this Civil Revision Petition is dismissed.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 14-07-2017.
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Dt. 14-07-2017

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