

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.2465 OF 2017

ORDER:

This petition is filed challenging the docket order, dated 12.04.2017 in E.P.No.5 of 2017 in O.S.No.1271 of 2012 passed by XXI Junior Civil Judge, City Civil Court, Hyderabad, whereby the Court expressed its difficulty to find out whether the directions issued by this Court are complied with or not and directed the parties to lead evidence in support of their version with regard to compliance or non-compliance of the directions.

The petitioners are the owners of the suit schedule property, filed O.S.No.1271 of 2012 for eviction and the same was decreed with a direction to vacate the premises within two months the date of order. Aggrieved by the same, the respondent herein filed A.S.No.290 of 2015 before the X Additional Chief Judge, City Civil Court, Hyderabad, wherein stay was granted directing the respondent to deposit the admitted rents till the disposal of the appeal, within one month. Challenging the said order, the respondent herein filed CRP.No.276 of 2016 before this Court. This court by order dated 10.08.2016 disposed of the CRP with a direction to the respondent to deposit the rent after withdrawing the amounts from the RC.No.65 of 2012 within one month from the date of receipt of a copy of the order. On 21.11.2016, when CRP.No.276 of 2016 came up for hearing before this Court under the caption "for being mentioned" for correction of certain typographical errors, this Court extended time for 15 days for deposit of arrears of rents by the respondent herein.

The petitioner did not file any compliance report but the Court conveniently disown its responsibility to decide whether the respondent complied the directions issued by this Court or not and extended time and directed the parties to adduce evidence. If the order is complied with as per the directions issued by this Court, it will reflect in the Bank accounts of the City Civil Court and Rent Controller and they are bound to file copy of challan in triplicate before the Court along with memo intimating compliance of the directions. Therefore, entire material will be available in the Court record itself including the entries in the Bank accounts of City Civil Court and the Court can decide whether the respondent complied the directions issued by this Court initially or within the extended time and pass appropriate order. Hence, issuing directions to the parties to adduce evidence to prove compliance or non-compliance is illegal. In such a case, this Court can exercise its power under Section 227 of the Constitution of India.

Hence, the docket order dated 12.04.2017 in E.P.No.5 of 2017 in O.S.1271 of 2012 passed by the XXI Junior Civil Judge, City Civil Court, Hyderabad, is hereby set aside while directing XXI Junior Civil Judge, to decide the execution petition basing on the material available on record including the accounts maintained in both the City Civil Court and Rent Controller and triplicate challans filed into the Court intimating the deposit of rent, if any, in pursuance of the directions issued by this Court in C.R.P.M.P.No.7130 of 2016 in C.R.P.No.276 of 2016 within two months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

M. SATYANARAYANA MURTHY, J

JUNE 22, 2017

ssp

