

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION Nos.5389 of 2017 and 4647 of 2016

COMMON ORDER :

These Civil Revision Petitions are filed by the respondents/ defendants, aggrieved by the orders dated 26.04.2017 and 13.07.2016 in I.A.No.2008 of 2016 in I.A.No.44 of 2016 in O.S.No.959 of 2013 and I.A.No.44 of 2016 in O.S.No.959 of 2013 respectively passed by the learned II Additional Chief Judge, City Civil Court, Hyderabad.

2. Heard both sides at length.

3. Undisputedly, but for, giving the proof regarding the payment by the defendant-Bank to the plaintiffs for Rs.5,55,519/- demanded by the Greater Hyderabad Municipal Corporation (for short 'G.H.M.C') towards municipal tax for the plaintiffs, if at all defendant-Bank paid any excess tax, to claim for adjustment there from by making a representation also, pursuant to this order to the G.H.M.C. for adjustment and any excess amount for future tax to adjust. The defendant-Bank is bound to pay the admitted rent of Rs.19,109/ p.m. from April, 2015 pending disposal of the suit or till vacating the premises by intimation pursuant to the lease agreement if any and whatever the amount so far paid, for any balance payable, after deducting the said amount payable to G.H.M.C. along with proof. For that

defendant-Bank shall give particulars of payment by accounting for that amount within 15 days from the date of receipt of copy of this order.

4. With the above observations, both the Civil Revision Petitions are disposed of by setting aside the order in I.A.No.2008 of 2016 in I.A.No.44 of 2016 in O.S.No.959 of 2013 in striking out the defence of the defendant-Bank and permitting the defendant-Bank to participate in the proceedings and as the suit is of the year 2013, the trial Court shall dispose of the O.S.No.959 of 2013 within six months from the date of receipt of copy of this order, subject to the preference of disposal of other old cases pending more than five years old. The trial Court shall decide the date when the defendant-Bank vacated the premises or the date from which the vacation of premises come into force with liability to pay rent. From the submissions across the bar about the need of an appointment of a Commissioner, the parties are at liberty to seek the same before the trial Court.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

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Dr. B. SIVA SANKARA RAO, J

Date:14-11-2017

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