

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.6113 OF 2017

DATED : 17.11.2017

Between :

Sapthagiri Srinilaya Chit Fund Pvt.,
H.No.12-5-6, Papaiahpet Chaman,
SVN Road, Warangal, rep, by its
Chairman & Managing Director,
Padakanti Venkateshwarlu S/o.Rajaiah,
Aged 43 yrs, Occu : Businesssman,
R/o.Warangal.

.. Petitioner

And

Venishetty Kishore Kumar S/o.Late Gurumallu,
Aged 55 yrs, Occu : Businessman & another.

... Respondents



This court made the following :

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ORDER:

Heard. With the consent of both counsel this Civil Revision Petition is disposed of at the admission stage.

2. By the order impugned in this Revision, the lower Court directed the petitioner/first defendant to deposit into the Court the arrears of rent from 01.04.2016 to 01.08.2017 after deducting the amount paid towards tax on or before 10.08.2017 and to continue to deposit the monthly rent agreed on or before 10th of every succeeding month.

3. Learned counsel for the petitioner sought to contend that there are serious disputes between the petitioner/defendant and the respondents/plaintiffs; that plaintiffs have not handed over the premises as agreed and that other conditions of lease were not complied. Therefore, petitioner was unable to use the premises and suffered huge loss.

4. These are matters which require consideration in the pending suit.

5. It is not in dispute that the relationship between the plaintiffs and the defendant is one of landlord and tenant and that the lease is subsisting. As noted by the trial Court, the suit premises is in possession of the petitioner/defendant.

6. I therefore, do not see any error in the direction issued by the trial Court.

7. At this stage, learned counsel for the petitioner submits that atleast the impugned order may be modified to deposit 50% of the arrears amount due up to 01.08.2017.

8. Having regard to this plea, the direction of the trial Court is modified and petitioner is directed to deposit an amount of Rs.10 Lakhs within six weeks from today and shall continue to pay monthly rent from September, 2017 onwards as ordered by the trial Court. The arrears amount from September, 2017 till this month, if not already deposited shall be deposited within three weeks from today and shall continue to deposit the rent as directed by the trial Court. All other issues including the balance of arrears amount are to be considered in the suit.

9. With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs.

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

17th November 2017
Rds

P.NAVEEN RAO,J