

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6697 of 2017

Order:

This revision arises out of the refusal of the Rent Control Appellate Authority to grant stay of execution of the order of eviction passed by the Rent Controller.

2. Heard Mr. Narasimha Rao Gudiseva, learned counsel for the petitioners and Mr. Sai Gangadhar Chamarty, learned counsel for the contesting respondents.

3. Eviction was sought on four grounds including that of wilful default. The Rent Controller found the petitioners/tenants guilty of wilful default. The petitioners have gone on appeal.

4. As per the counter affidavit filed before the Appellate Authority, there is rental arrears to the tune of Rs.2,25,000/-. The case of the petitioners is that the landlords borrowed money, leading to a recovery suit and that the rents are adjusted towards the repayment of the dues.

5. In other words, it is not the claim of the petitioners that they are actually paying the rents but that they are appropriating the rents payable towards their own dues. This is something that needs an enquiry.

6. But the fact remains that the rental amounts were not paid to the landlords. The question as to whether the petitioners are entitled to adjust the same, is a different issue. Hence, the petitioners cannot seek absolute stay without any

condition especially when the eviction proceedings started 10 years ago viz., in the year 2006.

7. In view of the above, the civil revision petition is allowed, the impugned order is set aside and an interim stay of execution of the order of eviction passed by the Rent Controller is granted subject to the condition that the petitioners deposit before the Rent Controller to the credit of R.C.C.No.5 of 2006 a sum of Rs.2,75,000/- (Rupees two lakhs and seventy five thousand only) within a period of 8 (eight) weeks. If the petitioners fail to deposit the said amount, the stay granted hereunder shall stand automatically vacated. If the petitioners deposit the said amount, it is open to the respondents to take steps for withdrawal and thereafter the Appellate Authority may proceed further to hear the rent control appeal in accordance with law and dispose it of. I make it clear that this order is passed without actually recording a finding whether the petitioners are guilty of wilful default and whether the amount claimed as arrears is actually due or not, since the same is subject to adjudication by the Rent Control Appellate Authority. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

30th November, 2017.
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V.RAMASUBRAMANIAN, J.

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