

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.2199 OF 2018

ORDER:

Heard Sri Ali Farooq, learned counsel for the revision petitioner - defendant, and Sri M. Venkat Ramana, learned counsel for the respondent - plaintiff.

2. The present Civil Revision Petition is directed against the order, dated 08.02.2018, in I.A. No.20 of 2017 in O.S. No.90 of 2017 on the file of the IX Junior Civil Judge, City Civil Court, Hyderabad.

3. The trial Court, by the aforesaid order, while allowing the I.A. No.20 of 2017, directed the revision petitioner to pay arrears of rent at the rate of Rs.2,000/- per month from 01.03.2014 till the date of passing the order within one month, and also directed to pay the rent at the rate of Rs.2,000/- per month for subsequent months till disposal of the suit.

4. The learned counsel for the revision petitioner would submit that the trial Court exceeded its jurisdiction in directing the revision petitioner to deposit the disputed rent from 01.03.2014 to 31.12.2016 for 34 months at the rate of Rs.2,000/- per month, and the revision petitioner paid the said admitted rent regularly up to July, 2017 and, thus, the order is passed on assumption and presumption and, therefore, to set aside the order passed by the trial Court.

i) The learned counsel also placed reliance on the rulings in **Sunil Saraogi v. A.Sravanthi**¹ and **Chaitanya Lanka v. Suresh Kumar Gupta**², rendered by a learned Single Judge of this Court, and **Ramesh Charities, Hyderabad v. R. Ratna Sudha**³, rendered by a Division Bench of this Court.

5. The learned counsel for the respondent would, however, resisted the request.

6. During the course of arguments, it was canvassed that from the month of July, 2017 till the date of order passed by the trial Court i.e., 08.02.2018, the rents are to be paid. In fact, the original suit was registered in the year 2017.

7. Therefore, it would be desirable to direct the revision petitioner - defendant to deposit the rents at the rate of Rs.2,000/- per month from the month of July, 2017 till date within two months from today, besides directing him to continue to deposit the rents at that rate by 5th of every succeeding month till disposal of the original suit.

So far as the arrears of rents claimed by the respondent - plaintiff is concerned, since the revision petitioner - defendant is contending that he has paid the rents regularly, the same can be examined by the trial Court during trial in the suit and record a finding

¹. 2015 (5) ALD 49

². 2014 (5) ALD 744

³. 2014 (6) ALD 543 (DB)

thereon at the final stage in the said suit, and also keeping in view the observations made by this Court in the aforesaid rulings.

8. With the aforesaid observation, the present Civil Revision Petition is disposed of. However, there shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the revision, stand closed.

May 02, 2018.
Mgr



A. SHANKAR NARAYANA, J