

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.2254 of 2018

ORDER:

This Civil Revision Petition is directed against the order, dated 23.02.2018, in I.A.No.166 of 2018 in O.S.No.798 of 2016 passed by the learned XI Additional Chief Judge, City Civil Court at Hyderabad.

Heard Sri V. R. N. Prashanth, learned counsel for the revision petitioner – plaintiff. He would submit that the order passed by the Court below, somehow, relates to one month's rentals as against the claim made in the petition for grant of Rs.4,41,73,660/-. Of course, interest at 24% per annum was also pleaded. Learned counsel would also submit that the Court below, somehow, though there was no resistance offered by the respondents – defendants, overlooked the fact of enhanced rent at 25% with effect from 01.03.2014 and, thereafter, for every three years, the said enhanced rent was agreed upon by the parties and, therefore, requests to correct the order under challenge by granting enhanced rent at 25% from the date aforementioned.

When there is no resistance offered by the opposite party and in paragraph '6' of the affidavit filed in support of the I.A, there is a mention as regards enhanced rent from a particular date and also review of the same for every three years, the Court ought to have looked from that term specified in the rental agreement, which is said to have been filed by the petitioner herein in the suit, and ought to have passed an order based on that. The order under challenge is very short, without relevant discussion on the said term. Therefore, the matter requires to be

remanded to the Court below to examine the contention now raised in regard to enhanced rent and pass appropriate orders.

Accordingly, the Civil Revision Petition is allowed setting aside the order under challenge and remitting the matter to the XI Additional Chief Judge, City Civil Court at Hyderabad, for disposal of I.A.No.166 of 2018 in O.S.No.798 of 2016 afresh, as indicated above, within one month from the date of receipt of a copy of the order.

Miscellaneous Petitions, if any, pending in the present petition, stand closed.

A. SHANKAR NARAYANA, J

11.04.2018

Note: Registry is directed to send copy of the order to the Court below by 12.04.2018

B/o

v v

