

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.4724 OF 2017

ORDER:

The petitioner is respondent in A.S.No.8 of 2017 on the file of the VII Additional District Judge, Gudur, SPSR Nellore District. He was the plaintiff in O.S.No.117 of 2010 on the file of the Principal Junior Civil Judge, Sullurpet. He filed the suit for eviction of the respondent herein and for recovery of arrears of rent. The suit was partly decreed by Judgment and decree, dated 14.12.2016 giving three months time to the respondent to deliver vacant possession of the property and directing him to pay an amount of Rs.27,000/- towards arrears of rent and also pay future damages from 01.06.2010 till the date of handing over possession @ Rs.1,000/- per month. Against the said Judgment and decree, the respondent preferred A.S.No.8 of 2017 before the lower appellate Court and filed an application in I.A.No.11 of 2017 seeking stay of all further proceedings. When the lower appellate Court granted stay since the respondent herein paid Rs.13,500/- towards arrears of rent, pending disposal of the Appeal, the present civil revision petition is filed.

Even after issuing notice to the respondent, none appeared for respondent.

Admittedly, the rent payable by the respondent to the petitioner is Rs.1,000/- per month and the trial Court while granting decree directed the respondent to pay an amount of Rs.27,000/- towards arrears of rent. When the respondent is continuing in occupation of the premises by virtue of the stay granted by the lower appellate Court, the lower appellate Court should have insisted for payment of the monthly rent of Rs.1,000/- till the disposal of the Appeal, while granting stay.

In the circumstances, the Civil Revision Petition is partly allowed by modifying the order, dated 14.07.2017, in I.A.No.11 of 2017 in A.S.No.8 of

2017, by granting stay till the disposal of A.S.No.8 of 2017 on payment of Rs.1,000/- per month towards rent from 01.06.2010 till handing over the vacant possession of the premises by the respondent, subject to result of A.S.No.8 of 2017 on the file of the VII Additional District Judge, Gudur, SPSR Nellore District.

The Civil Revision Petition is accordingly partly allowed.
Miscellaneous petitions, if any, pending, shall stand closed.

A.RAMALINGESWARA RAO, J

19.01.2018
pln

