HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.3593 OF 2018

ORDER:

Heard the learned counsel for petitioner and also the learned counsel for respondent.

2. The impugned order of the Court below dated 23.03.2018 in the pending appeal in A.S.No.56 of 2017 in granting stay in I.A.No.517 of 2017 shows if not inadvertently, erroneously passed the award by granting stay while rightly directing to deposit the suit costs and to pay the arrears of rent of Rs.42,000/- @ Rs.7,000/- per month for six months prior to the date of suit while fixing time till 20.04.2018 and directing to pay the use and occupation charges @ Rs.3,800/- per month only on every month by 10th.

3. In fact, the past profits claimed are Rs.7,000/- per month and the future profits claimed are Rs.10,000/- per month; Rs.3,800/- per month rent was the contest of the tenant-defendant. The trial Court having negated in fixation of the arrears of rent of Rs.7,000/- per month, so far as the future profits or use and occupation charges are concerned, from the date of suit it must be more than Rs.7,000/- per month that is either as claimed of Rs.10,000/- per month or atleast as awarded of

Rs.7,000/- per month and shall not be Rs.3,800/- per month. Hence, the matter is remanded back to the lower Court, by restoring I.A.No.517 of 2017 by setting aside its order dated 23.03.2018, to dispose of afresh after hearing keeping in mind the above observation within one (1) week from the date of receipt of a copy of this order.

Accordingly, this Civil Revision Petition is allowed. No order as to costs.

Dr. B. SIVA SANKARA RAO, J

27.07.2018
MVA