

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

C.R.P.No.3586 of 2018

ORDER:

This revision petition is filed under Article 227 of the Constitution of India challenging the order dated 23.04.2018 in I.A.No.1908 of 2017 in A.S.No.276 of 2017 on the file of the Court of IX Additional Chief Judge, City Civil Court, at Hyderabad.

2. Heard the learned counsels appearing for both parties.
3. A perusal of the record reveals that the respondent herein filed O.S.No.1057 of 2013 on the file of the Court of XX Junior Civil Judge, City Civil Court, at Hyderabad against the father of the petitioners for eviction from the suit schedule property on the ground of wilful default in payment of rent. During pendency of the suit, the first defendant died and his legal representatives were brought on record as defendants No.2 to 4, who are the petitioners herein. After full fledged trial, the suit was decreed in favour of the respondent herein. The trial Court has given a specific finding that the rent of the suit schedule property is Rs.6,000/- per month.
4. Feeling aggrieved by the judgment and decree dated 24.08.2017 in O.S.No.1057 of 2013, the petitioners herein preferred A.S.No.276 of 2017 on the file of the Court of IX Additional Chief Judge, City Civil Court, at Hyderabad. Along with the appeal, the petitioners filed I.A.No.1908 of 2017 seeking stay of all further proceedings in O.S.No.1057 of 2013. The trial Court allowed the petition by granting stay on a condition that

the petitioners have to deposit an amount of Rs.2,00,000/- (Rupees two lakhs only) out of Rs.4,82,000/-(Rupees four lakhs eighty two thousand only) due towards arrears of rent and also directed to pay suit costs of Rs.13,485/- on or before 25.06.2018. It is needless to say that this Court shall not lightly interfere with the discretionary order passed by the court below. While passing the orders of this nature, the Court has to strike a balance between the parties to the proceedings. If unconditional stay is granted, it may cause untold hardship to the respondent-landlord.

5. Taking into consideration the financial status and other attending circumstances, the first appellate Court rightly directed the petitioners herein to deposit an amount of Rs.2,00,000/- and costs of Rs.13,485/-. The first appellate Court exercised its discretionary power basing on sound principles of law. I am fully endorsing with the findings recorded by the first appellate Court. There is no illegality, irregularity or impropriety in the orders of the first appellate Court, which warrants interference of this Court. I see no merits in this petition and the same is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.SUNIL CHOWDARY, J

26th June 2018
Rns