

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.3929 of 2018

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India assailing the order dated 04.06.2018 in I.A.No.1068 of 2017 in O.S.No.3064 of 2017 on the file of the Court of XX Junior Civil Judge, City Civil Court, Hyderabad.

2. Heard the learned counsel appearing for both parties.

3. A perusal of the record reveals that the respondent filed O.S.No.3064 of 2017 on the file of the Court of XX Junior Civil Judge, City Civil Court, Hyderabad, for eviction of the petitioner-tenant from the petition schedule property. The respondent is also claiming mesne profits. During pendency of the trial, the respondent filed I.A.No.1068 of 2017 under Section 15-A CPC with a prayer to direct the petitioner to deposit the admitted monthly rent of Rs.5,000/- from September 2016 to November 2017, i.e. for a period of 15 months amounting to Rs.75,000/- in his bank account. The trial Court after affording a reasonable opportunity to both parties allowed the petition. Hence, the revision.

4. Now, the point that arises for consideration is whether there is any illegality, irregularity or impropriety in the orders of the trial Court?

5. It is not in dispute that the petitioner is the tenant of the respondent in respect of the suit schedule property. Admitted monthly rent of the suit schedule property is Rs.5,000/-. It is the case of the petitioner that he paid rent from October 2016 to November 2017 to the son and wife of the respondent without insisting them for receipts by reposing confidence on them. The respondent has taken a specific plea in the suit and in the affidavit that he used to issue receipt as and when the petitioner paid the rent. Ex.A1 is the rent receipts book issued by the respondent. In the counter also, the petitioner has taken a specific plea that the respondent - landlord used to issue rent receipts every month.

6. Whether the petitioner paid the rent from October 2016 to November 2017 to the wife and son of the respondent is purely a disputed question of fact, which can be decided at the time of full fledged trial. In view of the stand taken by the petitioner in his counter, this Court is of the considered view that there is a practice of issuance of rent receipts. In the absence of rent receipts, much weight cannot be attached to the contentions of the petitioner.

7. The trial Court considered the material available on record in right perspective and allowed the petition. The findings recorded by the trial Court are supported by reasons much less cogent and valid reasons. I am fully endorsing the

findings recorded by the trial court. There is no illegality, irregularity or impropriety in the impugned order warranting interference of this Court, while exercising the revisionary jurisdiction under Article 227 of the Constitution of India. Hence, the civil revision petition lacks merits and bonafides and the same is liable to be dismissed.

8. Learned counsel for the petitioner submitted that one month time may be granted to the petitioner to deposit the rent amount.

9. In the result, the civil revision petition is dismissed. No order as to costs. In view of the submission made by the learned counsel for the petitioner, the petitioner is hereby directed to deposit the arrears of rent on or before 13.08.2018 in the bank account of the respondent, failing which, the trial Court is at liberty to proceed with the suit in accordance with law. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.SUNIL CHOWDARY, J

13th July 2018

Rns