

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Civil Revision Petition No.4506 of 2018

Order:

This revision is filed, under Article 227 of the Constitution of India, against the order passed by the IX Additional Chief Judge, City Civil Court, Hyderabad in I.A. No. 1139 of 2018 in I.A. No. 2103 of 2017 in O.S. No. 370 of 2016 dated 17.7.2018.

I.A. No. 1139 of 2018 was filed by the petitioner herein seeking extension of time by 30 days to comply with the orders passed in I.A. No. 2103 of 2017 dated 01.03.2018. The said I.A. was dismissed by the Court below on the ground that no sufficient cause was shown with proof. Aggrieved thereby, the petitioner herein filed the present revision and, by an interim order dated 6.8.2018, this Court granted stay of all further proceedings upto 3.9.2018 on condition that the petitioner deposits Rs. 1,70,000/- to the credit of the Suit on or before 20.8.2018.

A copy of the treasury challan No. 79173 dated 18.8.2018 is filed, which discloses that the said amount of Rs.1,70,000/- was deposited before the Court below within the time stipulated by this Court.

I.A. No. 2103 of 2017 was filed by the respondent herein, under Order 15-A CPC, requesting the Court below to strike off the defence of the petitioner herein for non-compliance with the order passed in I.A. No. 881 of 2016 dated 23.12.2016. By its order in I.A. No. 2103 of 2017 dated 01.03.2018, the Court below directed the petitioner to deposit the arrears of rent, in case he failed to obtain any order from the Supreme Court by the next date.

Seeking extension of time, to comply with the order in I.A. No. 2103 of 2017, I.A. No. 1139 of 2018 was filed.

Since the petitioner has subsequently complied with the interim order passed by this Court, and as a result a substantial portion of the arrears of rent has been deposited, the order in I.A. No. 1139 of 2018 dated 17.7.2018 is set aside. As the petitioner is required to comply with the order passed by the Court below in I.A.No.881 of 2016 dated 23.12.2016, whereby he was required to deposit the entire arrears of rent due till July, 2016 on or before 30.01.2017 and to continue to deposit the further rents, the said order necessitates compliance. As it does appear that the petitioner has been recalcitrant in complying with the order passed by the Court below, suffice it, while disposing of this Revision, to direct that he shall deposit the balance of the arrears of rent, due and payable till 31.8.2018, on or before 15.9.2018. He shall continue to pay the monthly rent by the fifth (5th) of the succeeding month during the pendency of O.S. No. 370 of 2016. Failure to pay the entire arrears or the monthly rent, as afore-directed, would enable the respondent herein to avail their legal remedies for non-compliance of this order.

The Civil Revision Petition is, accordingly, disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

No order as to costs.

RAMESH RANGANATHAN, J

Date: 31st August, 2018

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