

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.5123 of 2018

ORDER:

This civil revision petition was filed by the respondents in S.O.P.No.364 of 2016 on the file of the learned Principal District Judge, Ranga Reddy District at L.B.Nagar, aggrieved by the order dated 28.08.2018 passed in I.A.No.2828 of 2017 filed in the said SOP by the first respondent herein. By way of the said I.A., the first respondent, being the petitioner in the SOP, sought release of the rents payable to her pending disposal of the SOP. A further direction was sought to the lessee, the second respondent herein, not to make lease rental payments to the petitioner-society herein. By the order under revision, the trial Court observed that the interim stay granted by this Court had not been extended and on the strength of this premise, allowed the I.A. Aggrieved by the same, the respondents in the SOP preferred this civil revision petition.

By order dated 04.09.2018, this Court took note of the submission made by Sri L.Ravichander, learned senior counsel appearing for Sri N.Srihari, learned counsel for the petitioners, and found that the trial Court had passed the order under revision being under the impression that the interim stay granted by this Court was not extended, whereas the record reflected that the order dated 30.11.2017 passed in C.M.A.No.1257 of 2017 was extended until further orders by order dated 29.12.2017 passed in C.M.A.M.P.No.2253 of 2017 in C.M.A.No.1257 of 2017.

Even if the recent judgment of the Supreme Court that all stay orders, be it in civil or criminal matters, would automatically expire upon the lapse of six months is to be taken into account, the said judgment was

passed on 28.03.2018 and the six month period in relation to the stay order granted in C.M.A.No.1257 of 2017 would have to be counted only from that date and not from the date of its passing or its extension. Therefore, as on the date of passing of the order under revision, the said stay order was very much in operation.

The order under revision is accordingly set aside on this short ground and I.A.No.2828 of 2017 in S.O.P.No.364 of 2016 is remanded to the file of the learned Principal District Judge, Ranga Reddy District at L.B.Nagar, for consideration afresh on its own merits and in accordance with law. It is made clear that this Court had not gone into the merits of the case at all as the matter is disposed of on the aforestated short ground.

Smt.Varalakshmi Tadepalli, learned counsel for the first respondent and Sri Shabbir Ahmed, learned counsel appearing for the second respondent-lessee, state that they have no objection to this remand order.

The civil revision petition is accordingly allowed to the extent indicated above. As this is the second round of hearing, the learned Principal District Judge, Ranga Reddy District at L.B.Nagar, shall allow the respondents in the I.A. two weeks time to file their counters, if any, and thereafter, proceed to dispose of the I.A. as expeditiously as possible on merits and in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

Date:20.09.2018

GJ