

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.R.P. No.6044 OF 2018

ORDER:

This petition is filed under Article 227 of the Constitution of India questioning the order dated 27.09.2018 passed in I.A.No.1112 of 2018 in A.S.No.188 of 2018 by the X Additional Chief Judge, City Civil Court, Hyderabad in a petition filed under Order XLI Rule 5 read with Section 151 C.P.C., whereby the petitioner is directed to deposit arrears of rent together with maintenance and subsequent rent till vacating the premises.

As seen from the issues framed by the Court below that whether the plaintiff is entitled for Rs.1,32,000/-, a finding was recorded on Issue No.1 that the tenant, who is in possession as to the payment of monthly rent and maintenance charges till date of vacating the premises and the issue was answered accordingly in favour of the plaintiff in para 8 of the judgment and accordingly, decree was drawn. As per Clause 3 of the decree, the petitioner/defendant is also directed to pay arrears of rent of Rs.1,32,000/- and maintenance charges, municipal taxes and monthly rent till date of vacating the premises.

While granting stay exercising power under Order XLI Rule 5 C.P.C., the appellate Court directed the petitioner to pay Rs.1,32,000/- as arrears of rent besides future rent and maintenance charges, municipal taxes etc. vide Clause No.3 of the decree and also permitted the respondent to withdraw the deposited amount.

Aggrieved by the impugned order, the present revision petition is filed on the ground that petitioner is not liable to pay subsequent rent, municipal taxes and maintenance charges as the Issue No.2 was limited to payment of Rs.1,32,000/- towards arrears of rent and that the relief granted

by the Court below is without any claim and requested to pass appropriate orders.

Taking into consideration the facts and circumstances of the case, the petitioner is directed to comply with the direction issued by the appellate Court within 10 days from the date of receipt of a copy of this order while modifying the condition that the respondent herein is permitted to withdraw Rs.1,32,000/- only without furnishing any security.

With the above direction, the civil revision petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

29.10.2018
kvrm

M.SATYANARAYANA MURTHY,J

