HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CRP.No.6575 of 2018

ORDER :

This revision is filed questioning the inaction of the Court below in disposing IA.No.133 of 2017 in OS.No.41 of 2017.

Learned counsel for the petitioner submits that OS.No.41 of 2017 is a suit filed for eviction. In that suit IA.No.133 of 2017 is filed seeking a direction to the respondent to deposit the arrears of rents and also damages. The respondent has filed a counter. After that, learned counsel submits that the matter has not been taken up for hearing. He relies upon a certified copy of the docket order which shows that the matter has been adjourned periodically. The grievance of the learned counsel for the petitioner is that the application is mechanically adjourned.

In reply thereto, learned counsel for the respondent argued on the merits of the matter and submits that there is a suit for partition OS.No.9 of 2016 which is pending in the court below and that the petitioner has no exclusive right to the rents. He points out that the same fact has also pleaded in page 2 of the counter affidavit, wherein it is mentioned that the actual owner of the suit property one Kamuni Laxminarayana also demanded rent.

After hearing both the learned counsels, this Court is of the opinion that although no immediate urgency is made out, still there is some force in the submission of the learned counsel for the petitioner, who submits that the rent has to be deposited by person in occupation of the property as a tenant. He also submits that if the rent is not deposited, further consequences under Order 15-A etc., would follow and that therefore, there is a need for the application to be disposed of.

This Court is of the opinion that the lower Court should proceed to dispose of IA.No.133 of 2017 without in any way being influenced by what is mentioned in this order as early as possible.

Civil revision petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.

D.V.S.S.SOMAYAJULU, J

Date: 30.11.2018
KLP