

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.5489 of 2017

ORDER:

This civil revision petition under Article 227 of the Constitution arose out of the order dated 16.02.2017 passed by the learned I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, in I.A.No.523 of 2016 in O.S.No.1578 of 2015.

The aforestated I.A. was filed by the plaintiffs in the suit seeking a direction to the first and second defendants therein to deposit monthly rental of Rs.40,000/- from October, 2015, till the disposal of the suit. However, by the order under revision, the Court below directed the third defendant in the suit to deposit with the Court the arrears of agreed rent from October, 2015, till February, 2017, within a time frame and to continue to deposit the monthly rent from March, 2017, before the tenth of each calendar month.

Taking note of this irregularity, on 27.10.2017, this Court granted interim suspension of the order under revision.

Heard Sri N.Krishna Sumanth, learned counsel for the petitioner, the third defendant in the suit, Sri K.Rathangapani Reddy, learned counsel for respondents 1 to 4, the plaintiffs in the suit, and Sri Dantu Venkata Ramana Sarma, learned counsel for respondents 5 and 6, the first and second defendants in the suit.

Sri K.Rathangapani Reddy, learned counsel, would fairly state that the prayer advanced by his clients in the subject I.A. was directed only against the first and second defendants in the suit and in such a situation, the trial Court ought not to have visited the liability on the third defendant, the petitioner herein, without a pleading or prayer.

In that view of the matter, the order under revision is set aside and the subject I.A. is remitted to the file of the Court below for consideration afresh on merits and in accordance with law. As this is the second round of adjudication, the Court below shall endeavour to dispose of the I.A. expeditiously and, preferably, within four weeks from the date of receipt of a copy of this order.

The civil revision petition is allowed to the extent indicated above.

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

9th March, 2018
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JUSTICE SANJAY KUMAR