

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition No.933 2019

ORDER:

This Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.25.02.2019 passed in I.A. No.1849 of 2018 in O.S. No.748 of 2019 by the II Additional Chief Judge, City Civil Court at Hyderabad.

2. The petitioners are the defendants in the said suit.
3. The respondent had filed the said suit against the petitioners for recovery of possession of the suit schedule property, for arrears of rent, future mesne profits/damages etc. The said suit was filed on 22.10.2018. The respondent filed I.A. No.1849 of 2018 under Order XV-A read with Section 151 CPC to direct the petitioners to pay the arrears of rent of Rs.26,12,549/- to the respondent along with the amount of Rs.6,16,354/-, which was the amount deducted from the amount towards TDS and also to continue to pay the admitted rent amount of Rs.3,72,190/- per month to the respondent on or before 5th day of every month.
4. No counter was filed to the said application and on 18.02.2019 it was allowed and a direction was given to the petitioners to deposit arrears of rent on or before 25.02.2019 and in default stating that the defense would be struck off.
5. The matter was then listed on 25.02.2019 on which date counsel for the petitioners made a request for extension of time for 15 days to deposit arrears of amount stating that the petitioners are unable to bear such huge liability and they had sustained loss in the business.

6. The Court below rejected it by order dt.25.02.2019 and referred to events which occurred between the filing of the suit and passing of the order dt.18.02.2019.

7. Assailing the same, present Revision Petition is filed.

8. It is the contention of the counsel for the petitioners that these factors have no relevance and Court below has power to grant 15 days time to the petitioners because under Proviso to Sub Section (2) Order XV-A such power is conferred on the Court to extend the period fixed by it for a period not exceeding 15 days. Therefore, I find considerable force in the said submission.

9. The Proviso to Sub Section (2) of Order XV-A states that time stipulated for payment of amount under Clause (1) of Order XV-A may be extended by the Court for reasons to be recorded for a period not exceeding 15 days.

10. In the instant case, though reasons have been given why extension of time as sought by the petitioners, still the Court below, without any adverting to the said reasons simply rejected the plea for extension, though it has power to grant such extension, referring to events prior to the passing of the order dt.18.02.2019 passed in I.A. No.1849 of 2018.

11. Though the counsel for the respondent sought to sustain the impugned order passed by the Court below, I am of the opinion that the Court below could not have referred to events which occurred prior to the passing of the order dt.18.02.2019 in I.A. No.1849 of 2018 to reject the pleading of the petitioners for extension of time of 15 days.

12. In view of the above, this Revision Petition is allowed and the order dt.25.02.2019 passed in I.A. No.1849 of 2018 in O.S. No.748 of 2018 by the II Additional Chief Judge, City Civil Court at Hyderabad is set aside, and the said I.A., is allowed and the petitioners are granted two weeks of

time from today to deposit the amount directed to be deposited by the Court below in its order dt.18.02.2019 in I.A. No.1849 of 2018 in O.S. No.748 of 2018. In default of complying with the above direction, this Revision Petition stands dismissed without further reference to this Court. There shall be no order as to costs.

13. As a sequel, miscellaneous applications, if any, pending shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 29.04.2019

Note: Furnish C.C. in two days.
B/o.
LSK

