

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.804 of 2019

ORDER:

This Revision is filed challenging the docket order dt.21-01-2019 in O.S.No.347 of 2017 of the XI Junior Civil Judge, City Civil Court, Secunderabad.

2. Petitioner herein is defendant in the suit.

3. The Court below, at the instance of the respondent, passed an order on 03-10-2018 in I.A.No.338 of 2018 under Order 15-A C.P.C. directing the petitioner to deposit by way of challan from November, 2016 till October, 2018 within one month from that date, the arrears of rent and also directed that future admitted rents be deposited on or before 10th of every month till disposal of the main suit.

4. Petitioner contended that a sum of Rs.1,08,000/- representing the arrears of rent were deposited through challan to the credit of the suit on 02-11-2018 within time, and the rent for the month of November, 2018 was deposited on 08-11-2018 itself, and there has not been any default. He alleged that respondent simply filed a memo alleging default in complying with the directions to make payment in the order dt.03-03-2018 and the Court below, without verifying the deposits made, straight away passed the impugned docket order.

5. Learned counsel for petitioner contends that on 21-01-2019, when the matter was listed, the counsel for petitioner did not appear

and the Office of the Court below did not put up the challans in the file and the impugned order came to be passed.

6. Along with the Revision, the challan copies of deposit made on 02-11-2018 and 08-11-2018 have been enclosed.

7. Learned counsel for respondent does not dispute these deposits made by petitioner.

8. Therefore the Court below appears to have committed an error in striking off petitioner's defence without verifying first whether petitioner had complied with its order or not.

9. Accordingly, the Civil Revision Petition is allowed; docket order dt.21-01-2019 in O.S.No.347 of 2017 is set aside; and the defence of the petitioner is restored to the file of the suit. No costs.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-08-2019
Vsv