

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.1776 OF 2019

ORDER:

1. This Revision is filed under Article 227 of the Constitution of India challenging the order dt.17.06.2019 in I.A.No.519 of 2019 in O.S.No.126 of 2018 of the Principal Junior Civil Judge, Ranga Reddy District at Medchal.
2. Petitioner herein is the defendant in the above suit.
3. The respondent/plaintiff filed the said suit against the petitioner for eviction of the petitioner from the suit schedule property, for recovery of arrears of rent, and also for a direction to the petitioner to deposit monthly rent @ Rs.8,000/- from 27.08.2018 till disposal of the suit.
4. The respondent/plaintiff later filed I.A.No.579 of 2018 invoking Order XV(a) CPC and sought a direction to direct the petitioner to deposit arrears of monthly rents from 27.03.2018 till disposal of the main suit.
5. After contest, the said application was allowed on 06.12.2018 by directing the petitioner to deposit monthly rent of Rs.8,000/- from 27.03.2018 till 06.12.2018 amounting to Rs.72,000/- within three months from 06.12.2018.
6. On 10.04.2019, the respondent filed I.A.No.519 of 2019 under Order XV(a)(2) of CPC to strike off the defence of the

petitioner on the ground of non-compliance of the order dt.06.12.2018 in I.A.No.579 of 2018.

7. Petitioner filed a counter opposing the same. He contended that he has been paying monthly rents regularly by depositing the same in the respondent's Savings Bank account in State Bank of Hyderabad and also personally whenever respondent demanded and he had thus paid Rs.2,02,850/-. He contended that the respondent obtained cheque from him, got forged his signature on the cheque and lodged a false criminal complaint against the petitioner before the Police Station, Bachupally on 14.11.2017; that the respondent illegally trespassed into the petitioner's house and threw away the household articles for which the petitioner had lodged a criminal complaint on 19.12.2017 before the Human Rights Commission; thereafter the respondent and the petitioner compromised the matter settling the disputes between them. He contended that the respondent issued an undertaking in favour of the petitioner on 27.03.2018 by admitting receipt of all the above amounts through e-mail and agreeing to return the original rent payment receipts, cheque and other documents pertaining to him.

8. By order dt.17.06.2019, the Court below allowed I.A.No.519 of 2018.

9. It held that the petitioner claimed to have deposited Rs.2,02,850/- in the Savings Bank account of the respondent in State Bank of Hyderabad, but to prove it, no bank statement or

receipts had been filed by the petitioner. It held that petitioner had filed Xerox copies of certain documents which were already rejected in I.A.No.1977 of 2018 by it, and time was sought by the petitioner to challenge the order passed in I.A.No.1977 of 2018, but petitioner did not comply with the order in I.A.No.579 of 2018. It observed that if the petitioner did not comply with the order in I.A.No.579 of 2018, under sub-section (2) of Order XV(a) CPC the Court can strike off his defence and it is a fit case to strike off the defence of the petitioner.

10. Challenging the same, this Revision is filed.

11. Counsel for the petitioner contended that the Court below erred in striking off the defence of the petitioner and in not taking into account the documents, which the petitioner had filed along with I.A.No.1977 of 2018, allegedly evidencing payment of rental amount to the respondent.

12. Counsel for the petitioner however did not dispute that as per the order dt.06.12.2018 passed in I.A.No.579 of 2018, he was to deposit Rs.72,000/- comprising rent for 9 months from 27.03.2018 @ Rs.8,000/- per month within three months from 06.12.2018.

13. The time to make the said payment thus expired on 05.03.2019.

14. Petitioner did not challenge the order in I.A.No.579 of 2018 and there is no evidence adduced by the petitioner that he complied with the said order either.

15. Admittedly, I.A.No.1977 of 2018 filed by the petitioner had been rejected by the Court below and the documents sought to be filed along with it were not taken on record by it. This order has also not been challenged by the petitioner.

16. In this view of the matter, it cannot be said that the petitioner had complied with the order dt.06.12.2018 in I.A.No.579 of 2018 passed by the Court below.

17. I therefore see no error of jurisdiction in the order passed by the Court below warranting interference by this Court in exercise of its power under Article 227 of the Constitution of India.

18. Accordingly, this Civil Revision Petition fails and it is dismissed. No order as to costs.

19. Consequently, miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

30th August, 2019.

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