

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.1938, 2256 and 2260 OF 2019

COMMON ORDER:

Since the issue involved in these three Civil Revision Petitions is one and the same, they are being disposed of by this common order.

2. C.R.P.No.1938 of 2019 is filed by the petitioner/ Judgment Debtor No.3 aggrieved by the order, date 31.07.2019, passed in E.P.No.5 of 2019 in O.S.No.487 of 2008 by the learned III Additional Rent Controller-cum-XV Junior Civil Judge, City Small Causes Court, Hyderabad, whereunder the application filed under Order XXI Rules 35 and 36 of the Code of Civil Procedure, 1908 (for short, C.P.C') by the 2nd respondent/deGREE holder to vacate and hand over the physical possession of the E.P schedule property to him, was allowed directing issue of warrant of delivery to the Judgment Debtors on payment of process.

3. C.R.P.Nos.2256 and 2260 of 2019 are filed by the petitioner/ Judgment Debtor No.3 aggrieved by the common order, dated 23.08.2019, in I.A.Nos.741 and 739 of 2019 in I.A.No.251 of 2019 in A.S.No.38 of 2019 passed by the learned X Additional Chief Judge, City Civil Court, Hyderabad, whereunder the applications filed under Section 148 read with section 151 C.P.C, to suspend the operation of the order, dated 31.07.2019, passed in E.P.No.5 of 2019 in O.S.No.487 of 2008 by the learned III Additional Rent Controller-cum-XV Junior Civil Judge, City Small Causes Court, Hyderabad, and to enlarge the

time for compliance of the conditional order passed on 10.04.2019 in I.A.No.251 of 2019, were dismissed.

4. Heard the learned counsel for the revision petitioner, learned counsel for the 2nd respondent and perused the record.

5. Having argued elaborately for considerable length of time, learned counsel for the petitioner had conceded that an amount of Rs.24,000/- was paid on 01.06.2019 and Rs.3,000/- was paid on 07.06.2019 and thereafter, one more installment was paid. The operative portion of the order, dated 10.04.2019, in I.A.No.251 of 2019 in A.S.No.38 of 2019 passed by the learned X Additional Chief Judge, City Civil Court, Hyderabad, reads as follows:

“As a result, the petition is allowed granting stay of execution of judgment and decree passed by the trial Court in O.S.No.487 of 2008 subject to depositing the arrears of rent of Rs.21,000/- and to pay arrears of rent if any @ Rs.3,000/- and shall continue to deposit the same to the credit of the above suit within 30 days. On such deposit, the amount shall be kept in fixed deposit in any nationalized bank till disposal of the appeal.”

The aforesaid order reflects that the future rent due from 01.01.2018 to till date @ Rs.3,000/- per month is not yet paid. At any rate, the merits of the case are required to be determined in Appeal Suit No.38 of 2019.

6. Learned counsel for the petitioner conceded that the petitioner will pay the said arrears of rent within thirty (30) days from today.

7. On the other hand, learned counsel for the respondent No.2 is seriously disputing the same.

8. The issue relates to enlargement of time. In the circumstances, the time to pay the arrears of rent as ordered in I.A.No.251 of 2019 in A.S.No.38 of 2019 can be extended.

9. In the result, the revision petitioner is directed to pay arrears of rent w.e.f 01.01.2018 to till date @ Rs.3,000/- per month within thirty (30) days from today and shall continue to pay the said amount till termination of the proceedings in Appeal Suit No.38 of 2019. On payment of rent amount, the Court below is directed to invest the said amount in Fixed Deposits for a period of two (2) years from time to time. It is made clear that in case of default of payment of arrears of rent as well as future rent by the revision petitioner, the 2nd respondent is entitled to execute the original decree.

10. At this stage, it is urged before this Court that a direction may be given to the Court below to dispose of A.S.No.38 of 2019 expeditiously.

11. Considering the facts and circumstances of the case, the Court below is directed to dispose of A.S.No.38 of 2019 as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order.

12. With the modification/direction as above, the three Civil Revision Petitions are disposed of.

Miscellaneous petitions, if any, pending in these three revision petitions shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

27th September, 2019
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THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



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Date:27.09.2019

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