

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 3429 OF 2023

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow this Civil Revision Petition by setting aside the judgment and decree passed by the Hon'ble III Junior Civil Judge City Civil Court, at Hyderabad in I.A.No. 260 Of 2022 In O.S. No. 1135 Of 2022 dated. 24/07/2023 in the interest of justice and equity.

Between

Mohd Anwar, S/o. Mr. Mohd Afzal, Aged. 50 years, Occ: Business, R/o. H. No.5-7-540, Nampally Dargah Hyderabad, And R/o. H.No 11-5-117/B (Old No. 11-5-117), Red Hills, Hyderabad, T.S.

...PETITIONER/RESPONDENT No.2/DEFENDANT No.2

AND

1. Smt. Nusrath Fatima (DIED), (Died Per LRs)
2. Khaja Muzaffer Hussain Ansari, S/o.Mr. Mohd Jaffer Hussain Ansari, Age 83 years, Occ. Retired Chief Engineer, Govt of Telangana, R/o. 10-3-806, Vijay Nagar Colony, Hyderabad- 500057.
3. Mohammed Liaqat Ansari, S/o. Mr. Khaja Muzaffer Hussain Ansari, Age 58 years, Occ. Engineer, R/o.578 Stapleford Terr, Mississauga, Ontario, Canada- L5R3J3.
4. Naushina Khursheed, W/o. Dastagiri Shansul Lateef, Age 56 years, Occ. Housewife, R/o. R/o. 187/3RT, Dastagiri Villa, Vijay Nagar Colony- 500057.
5. Mubsher Hussain Ansari, S/o. Khaja Muzaffer Hussain Ansari, Age 51 years, Occ. Engineer, R/o. 10-3-806/A, Vijay Nagar Colony, Hyderabad- 500057.
6. Mehvesh Afrina, W/o. Syed Zubair Mehdi, Age. 44 years, Occ: Medical Doctor, R/o. 2313, Saint Croix Ct, Richardson, Texas- 75082, USA

(Respondent 2,3,4 and 6 are represented by their G.P.A holder i.e.,
repointent no.5)

7. Mohd Basith, S/o. Mr. Mohd Afzal, Aged. 45 years, Occ: Business,
R/o. H. No.5-7-540, Nampally Dargah Hyderabad, And Rio. H.No 11-5-117/B
(Old No. 11-5-117), Red Hills, Hyderabad, T.S.

(Respondent No.7/defendant No.1 is not a necessary party to this petition).

...RESPONDENT No.7/RESPONDENT No.1/DEFENDANT No.1

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated
in the affidavit filed in support of the petition, the High Court may be pleased
pleased to stay the operation of the orders passed in I.A.No. 260 Of 2022 in O.S.
No. 1135 of 2022 dated. 24.07.2023, pending disposal of the Civil Revision
Petition in the interest of justice and equity

Counsel for the Petitioner : SRI. MOHD NASEER UDDIN

Counsel for the Respondents: -----

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P.SAM KOSHY

C.R.P. No. 3429 of 2023

ORDER:

Heard Mr. Mohammed Nasir Uddin, learned counsel for the petitioner and perused the record.

2. The instant civil revision petition has been filed challenging the order dated 24.07.2023 passed in I.A.No.260 of 2022 in O.S.No.1135 of 2022 by the learned III Junior Civil Judge, City Civil Court, Hyderabad.

3. *Vide* impugned order dated 24.07.2023, the trial Court has directed the petitioner/defendant to clear off the arrears of rent amounting to Rs.4,76,000/- within a period of one month from the date of order, i.e., 24.07.2023. So also, there was a direction for payment of monthly rent at the enhanced rate of Rs.50,000/- per month amounting to Rs.8,50,000/- from April, 2022 to July, 2023, again within a period of one month from 24.07.2023 and with a further direction of clearing off the future rents of Rs.50,000/- per month with effect from August, 2023, payable on or before 5th of every succeeding month.

4. Learned counsel for the petitioner tried to protect as if there was some dispute on the aggrieved rent and the oral agreement that was entered into between the tenant and the landlord i.e., the

petitioner and the respondent during the covid period taking the factual situation that prevailed during the pandemic period.

5. However, on a query being put to the learned counsel for the petitioner so far as why there was default in payment of the admitted rent for the period beyond March, 2020, till date the petitioner was not in a position to give a satisfactory response or an explanation to the same. Thus, this Court is of the firm view that there does not seem to be any bonafide on the part of the petitioner now to turn around and challenge the order dated 24.07.2023, that too after a period of almost five months i.e., November, 2023.

6. The Civil Revision Petition, thus being devoid of merits, deserves to be rejected and is accordingly rejected. However, considering the fact that the civil revision petition is being rejected today subject to the petitioner honoring the order of the trial Court dated 24.07.2023 by 31st December of 2023, the trial Court is ordered not to strike down the right the petitioner/defendant No.2 till 31st December of 2023. However, it is made clear that in the event if the petitioner fails to honor the order dated 24.07.2023 by 31.12.2023, the order passed by this Court granting extension of time till 31.12.2023 would automatically lose its efficacy and the order of the trial Court would become enforceable.

Consequently, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

SD/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

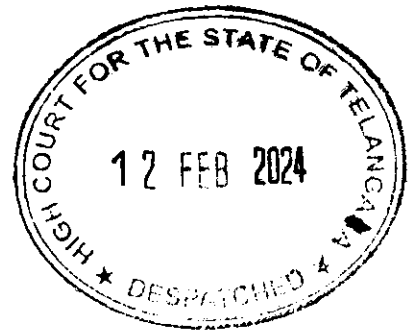
1. The Hon'ble III Junior Civil Judge City Civil Court, at Hyderabad
2. One CC to SRI. MOHD NASEER UDDIN, Advocate.[OPUC]
3. Two CD Copies

RM

CHK

HIGH COURT

DATED:08/12/2023



ORDER

CRP.No.3429 of 2023

**REJECTING THE CRP
WITHOUT COSTS**

⑤ CRP
31/01/24