

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

**MONDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

THE HONOURABLE SMT JUSTICE RENUKA YARA

IA No. 2 OF 2025

IN

IA No. 1 OF 2025

IN

SA NO: 217 OF 2025

IA No. 1 OF 2025

Between:

D. Srikanth, S/o. D. Veeraiah.

...Petitioner/Appellant/Defendant

(Appellant in SA 217 OF 2025

on the file of High Court)

AND

Srikanth Bung, S/o. Kishan Bung Occ. Business R/o. H.No. 6-3-596/63/8/2,

Venkataramana Colony, Somajiguda, Hyderabad

...Respondent/Plaintiff

(Respondent in-do-)

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim stay on operation of judgment and decree passed by Principal Senior Civil Judge, R.R District, L.B. Nagar in O.S 562 of 2014 dt.13-07-2021 and confirmed by

VI Addl District Judge, R.R District, Kukatpally by dismissing AS No. 20 of 2021 dt 21-02-2025, pending disposal of SA No. 217 of 2025, on the file of the High Court.

IA No. 2 OF 2025

Between:

Srikanth Bung S/o. Kishan Bung, Occ. Business R/o. H.No. 6-3-596/63/8/2,
Venkataramana Colony, Somajiguda, Hyderabad

...Petitioner/Respondent/Petitioner
(Petitioner in SA 217 OF 2025
on the file of High Court)

AND

D. Srikanth S/o.D.Veeraiah Occ. Business R/o.H.No.2-164/01, Sy.No. 58,
Gopanpslli Village Serilingampally Mandal, Ranga Reddy District

...Respondent/Appellant/Defendants
(Respondents in-do-)

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders passed in I.A.No.1 of 2025 in .S.A.No.217 of 2025 dated 01/05/2025 thereby dismissing the I.A.No.1 of 2025 in the interest of justice. Pending disposal of SA No.217 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 01.05.2025 made in IA No.1 of 2025 and 22.09.2025 made herein upon hearing the arguments of SRI L HARISH Advocate for the Petitioner in IA No.1 of 2025 and Respondent in IA No.2 of 2025 and of Sri Murlinarayan Bung, Advocate for the Respondent in IA No.1 of 2025 and petitioner in IA No.2 of 2025, the Court made the following

ORDER

In pursuance of this Court's docket order dated 22.09.2025 directing the appellant/tenant/ defendant to pay 50% of arrears of rent to the respondent/landlord/plaintiff within one month of filing of calculation memo, calculation memos were to be filed by 13.10.2025.

The appellant/tenant as well as respondent/landlord have filed their respective calculation memo with huge difference in the amounts to be paid as arrears of rent.

When the respective calculation memos are perused, it is seen that the calculation memos are filed by interpreting the decrees passed by the learned Trial Court to suit their respective purposes. Primarily, the difference in calculation memos is arising with respect to interest rate to be paid at 18% per annum from the date of filing of the suit till the date of realization.

In that context, it is relevant to peruse the findings in the judgment and decree passed by the Trial Court in O.S.No.562 of 2014, wherein, it is held as follows:

“(b) That the defendant is hereby directed do pay sum of Rs.20,000/- as the arrears of rents.

(c) That the defendant is hereby directed do pay sum of Rs.45,000/- as the arrears of mesne profits till 31.03.2014 with interest at the rate of 18% per annum from the date of filing the suit till the date of realization.

(d) That the defendant is hereby directed to pay future mesne profits, which can be assessed in a separate application.

That the defendant is hereby directed do pay a sum of Rs.10,049/- to the plaintiff towards costs of the suit.”

In the above judgment and decree, the learned Trial Court granted interest at 18% per annum at finding No.(c). This interest rate according to the appellant/tenant is applicable only to arrears of mesne profits but not arrears of rents as no interest rate is mentioned at finding No.(b), wherein, arrears of rents are directed to be paid.

According to the appellant/tenant, as per finding No.(b), the learned Trial Court directed him to pay only arrears of rents sans interest whereas according to the respondent/landlord, the interest rate given at finding No.(c) is applicable to both arrears of rents as well as mesne profits.

In the Second Appeal, grant of mesne profits without enquiry and proof as to the quantum granted is challenged. Therefore, there is no question of payment of mesne profits until the Second Appeal is disposed of. What remains to be paid to the respondent/landlord is only arrears of rents.

In normal course, even when mesne profits are not granted, whenever arrears of rents are granted, interest is also granted thereon.

The contention of the appellant about the interest being applicable only to mesne profits is untenable. In fact it is the rents which are legitimate amounts to be paid for usage of the suit schedule property by the appellant. Therefore, applicability of interest at 18% per annum to mesne profits and not rents as contended by the appellant is unsustainable. The appellant has to pay arrears of rents as well as interest thereon for using the suit schedule property from April, 2013 to June, 2021. The entitlement of the respondent for payment of mesne profits and interest thereon shall be decided after disposal of the Second Appeal.

The interest rate mentioned by the learned Trial Court at finding No.(c) is meant for both the arrears of rents as well as mesne profits. It is not possible that interest is granted on mesne profits but not on arrears of rents which is legitimate entitlement of the respondent. Therefore, the stand taken by appellant is not sustainable and the appellant is directed to pay arrears of rent together

with interest at 18% per annum on said arrears of rents i.e. appellant is directed to pay 50% of the arrears of rents with interest as per calculation memos filed by the respondent within one month from today. In case of failure to pay the said amount, the interim stay granted on 01.05.2025 shall stand vacated automatically.

Accordingly, this application is ordered.

SD/- T. SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Senior Civil Judge, R.R District, L.B. Nagar.
2. The VI Addl District Judge, R.R District, Kukatpally
3. One CC to SRI L HARISH Advocate [OPUC]
4. One CC to SRI MURLINARAYAN BUNG Advocate [OPUC]
5. One spare copy

HIGH COURT

RY, J

DATED:05/01/2026

ORDER

IA NO.2 OF 2025
IN
SA.No.217 of 2025

DIRECTION

