

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION NO.832 of 2015

-

ORDER:

The petitioner challenges the order dated 03.01.2015 passed in I.A.No.1191 of 2014 in E.O.P.No.591 of 2014 on the file of the Principal District Judge, Khammam, whereby the I.A filed under Section 151 C.P.C. seeking stay of operation of all further proceedings in pursuance of the order passed by the 2nd respondent in ROC.No.Elec/659/2014, dated 26.07.2014.

The petitioner filed E.O.P. before the Principal District Judge, Khammam, questioning the order dated 26.07.2014 passed by the 2nd respondent herein declaring the cessation of membership of the petitioner for disobedience of the Party Whip. Along with the EOP the petitioner filed I.A.No.1191 of 2014 with the same relief. The learned Judge dismissed the I.A on the ground that the main relief in EOP and the interim relief in the I.A are virtually one and the same. Aggrieved by the same, the present revision petition is filed.

Learned Senior Counsel instructed by Smt. K.V. Rajasree, learned counsel for the petitioner contends that in election matters if the interim relief is not granted, by passage of time the very main relief itself would be frustrated. He elaborately made submissions with respect to the merits of the matter.

Having heard the learned Senior Counsel appearing on behalf of the learned counsel for the petitioner and having perused the elaborate and detailed order passed by the Principal District Judge, Khammam, I do not find any reason to interfere with the impugned order as the same does not suffer from any jurisdictional error or non-consideration of any material. The entire case of the petitioner is that there is no violation of the Whip issued by the party and thereby the petitioner has not earned disqualification which became the root cause for her removal. As the O.P. could not have been decided by the Principal District Judge without evidence and granting of relief prayed for in I.A would amount to virtually granting the final

relief the learned Judge had dismissed the I.A, which cannot be found fault with. However, in the fitness of things both the counsel appearing for the petitioner as well as the respondent could have prayed for disposal of the main EOP itself instead of asking to dispose of the I.A. wherein Exs.P.1 to P.7 were marked on behalf of the petitioner and Exs.R.1 to R.14 were marked on behalf of the respondent.

This Court is not inclined to interfere with the order dated 03.01.2015 passed in I.A.No.1191 of 2014 by the Principal District Judge, Khammam. However, I deem it appropriate to direct the Principal District Judge, Khammam to dispose of the main E.O.P itself within a period of six months from the date of receipt of a copy of this order. Both the parties shall cooperate with the learned Judge in disposal of the main EOP.

Accordingly the Civil Revision Petition is closed. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

6th April, 2015

Js.