

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.3268 of 2014

Date:09.04.2015

Between:

P.Prabhakar Reddy,

S/o P.Raja Reddy and another.

..... Petitioners

And:

Syed Ahmed Ali,

S/o Syed Abdul Khader and seven others.

...Respondents

Counsel for the petitioners: Sri V.L.N.G.K.Murthy
for Sri S.Subba Reddy

Counsel for respondent No.1: Sri O.Manohar Reddy
Counsel for respondent Nos.2 to 8: None appeared

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 28.08.2014, in E.P.No.67 of 2004 in O.S.No.599 of 1991 on the file of the learned II Assistant Sessions Judge, Ranga Reddy District.

At the hearing, Sri O.Manohar Reddy, learned counsel for respondent No.1, has fairly conceded that the order assailed in this Civil Revision Petition directing execution of registered sale deed cannot be sustained for the simple reason that E.A.No.47 of 2014 filed by the revision petitioners under Section 47 of the Code of Civil Procedure, for holding an enquiry and excluding an extent of 0.19 ½ guntas of land out of Acs.6.39 guntas in Survey No.82 of Thimmayapally Village, Keesara Mandal, Ranga Reddy District, was kept pending and therefore, without disposing of the same, the lower Court has committed a serious illegality in directing execution of the sale deed.

In view of this fair concession, order, dated 28.08.2014, in E.P.No.67 of 2004 in O.S.No.599 of 1991 is set aside. As a necessary corollary, sale deed, dated 28.08.2014, executed by the Court in favour of respondent No.1 to the extent of Ac.0.19 ½ guntas of land out of Acs.6.39 guntas in Survey No.82 of Thimmayapally Village, Keesara Mandal, Ranga Reddy District also stands set aside.

The lower Court is directed to consider E.A.No.47 of 2014 and dispose of the same after thorough enquiry before considering E.P.No.67 of 2004. Since serious apprehensions are expressed with regard to the present incumbent of the II Assistant Sessions Judge, Ranga Reddy District, which appear to be justified, from the manner in which he has passed orders in E.P.No.67 of 2004 without disposing of E.A.No.47 of 2014, the Principal District and Sessions Judge, Ranga Reddy District is directed to allot this case to any other Court. On such allocation, the Court shall dispose of E.A.No.47 of 2014 within four months.

Subject to the above directions, the Civil Revision Petition is allowed.

As a sequel to disposal of the Civil Revision Petition, interim order, dated 26.09.2014, is vacated and CRPMP.Nos.4472, 5248 and 6611 of 2014 are disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

09th April, 2015

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