

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.405 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners aggrieved by the docket order dated 15.7.2013 in I.A.No.553 of 2013 in Transfer O.P.No.180 of 2013 passed by the Principal District Judge, Krishna at Machilipatnam, staying the proceedings in E.P.No.60 of 2011 in O.S.No.43 of 2000 on the file of II Additional District Judge, Vijayawada, Krishna District.

2 . The petitioners, who are respondent Nos.2 to 4 in the above Transfer O.P.No.180 of 2013, have filed E.P.No.60 of 2011 for execution of the judgment and decree dated 31.01.2003 in O.S.No.43 of 2000 passed by the II Additional District Judge, Vijayawada, Krishna District, for delivery of physical possession of the schedule property in execution of the suit filed by them for specific performance and warrant was also issued in the said execution proceedings. The 1st respondent herein filed a claim petition in E.A.No.242 of 2012 in E.P.No.60 of 2011 in O.S.No.43 of 2000 and the same is pending consideration. At that stage, the 1st respondent herein has filed Transfer O.P.No.180 of 2013, stating that there is another suit in O.S.No.103 of 2012 on the file of VII Additional District Judge, Vijayawada, Krishna District, filed by the 2nd respondent herein for cancellation of the agreement said to have been entered between the 2nd respondent herein and one Ongolu Srinivasa Rao and also for damages against the legal heirs of the said Ongolu Srinivasa Raju and members of one Deena Dayal Nagar Cooperative House Building Society Limited, wherein 1st respondent herein is shown as defendant No.52, seeking to transfer the suit in O.S.No.103 of 2012 on the file of VII Additional District Judge, Vijayawada,

Krishna District, to be tried along with E.A.No.242 of 2012 in E.P.No.60 of 2011 in O.S.No.43 of 2000 on the file of the II Additional District Judge, Vijayawada, Krishna District. The 1st respondent has also filed I.A.No.553 of 2013 in Transfer O.P.No.180 of 2013, seeking stay of all further proceedings in E.P.No.60 of 2011 in O.S.No.43 of 2000 on the file of the II Additional District Judge, Vijayawada, Krishna District, and the Court below passed the following ad-interim order dated 15.7.2013:

“In the result, exparte interim stay is granted to stay all further proceedings in E.P.No.60 of 2011 in O.S.No.43 of 2000 on the file of II Additional District Judge’s Court, Vijayawada, pending final disposal of this petition i.e., I.A.No.553 of 2013 and subject to result of the same and urgent notice by 7.8.2013.”

Aggrieved by the same, the petitioners have filed the present civil revision petition.

3. Though it is contended by Sri Ghanta Rama Rao, learned Senior Counsel, representing Sri Ghanta Sridhar, learned counsel for the petitioners, that the very filing of Transfer O.P.No.180 of 2013 by impleading several parties, who are not even proper parties, is a gross abuse of the process of law, the petitioners can seek vacation of the impugned order dated 15.7.2013 by filing counter affidavit and appropriate petition.

4. As there is no appearance on behalf of 1st respondent, without going into the merits of the case, I deem it appropriate to dispose of the civil revision petition with a direction that if any application is filed by the petitioners herein to vacate the impugned order dated 15.7.2013 in I.A.No.553 of 2013 in Transfer O.P.No.180 of 2013, the Court below shall dispose of the same as expeditiously as possible, preferably within a period of two months from the date of filing of such petition.

5. Subject to the above direction, this civil revision petition is disposed of, at the admission stage. As a sequel, miscellaneous petitions

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

JUSTICE R. SUBHASH REDDY

02.04.2015.

Msr

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