

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.1945 of 2015

ORDER:

Heard Sri Kowturu Vinaya Kumar, learned counsel for the petitioners and Sri M.Raja Malla Reddy, learned counsel for the respondents.

2. This Revision Petition is filed challenging the order dt.31-03-2015 in E.P.No.35 of 2013 in O.S.No.90 of 2011 of the Principal Junior Civil Judge, Sattupally, Khammam District.
3. Petitioners herein are J.Drs. in the suit filed by the respondents against them for recovery of possession of the suit schedule property. The suit was decreed on 10-06-2013. Thereafter, respondents filed E.P.No.35 of 2013 to execute the said decree.
4. The petitioners, in spite of suffering the decree, were not handing over possession to the respondents. Therefore, the respondents requested the Court to evict the petitioners.
5. By order dt.31-03-2015, the Court below allowed the said E.P. on the ground that the petitioners have not filed the appeal against the decree and judgment in O.S.No.90 of 2011.
6. Challenging the same, this Revision Petition is filed.
7. Learned counsel for the petitioners submits that after the impugned order has been pronounced, an appeal has now been preferred to the Senior Civil Judge, Sathupally against the judgment dt.10-06-2013 in O.S.No.90 of 2011 with an application to condone the delay in filing the appeal and since the appeal has now been filed, execution of the decree may be stayed till

the appeal is decided.

8. Admittedly there is no stay granted in favour of the petitioners in the appeal preferred by them against the judgment and decree dt.10-06-2013 in O.S.No.90 of 2011 or of proceedings in E.P.No.35 of 2013. Even the said appeal had been preferred, almost two years after the suit has been decreed. The petitioners cannot be allowed to squat over the property merely on the pretext that an appeal preferred by them is pending before the Senior Civil Judge, Sathupally.
9. In this view of the matter, I do not find any merit in the Civil Revision Petition and the same is accordingly dismissed. Interim order granted earlier is vacated. No costs.
10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29-09-2015

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