

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION Nos.2214 and 2224 of 2014

Date: 12.03.2015

Between:

Vodapally Uppalaiah,
Warangal District and others

.... Petitioners
(in both the C.R.Ps)

And

Vodapally Lakshminarasaiah,
Warangal District and others

... Respondents
(in both the C.R.Ps)

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COMMON ORDER:

The petitioners in these two Civil Revision Petitions are the decree holders in O.S.No.7 of 1981 on the file of the learned II Additional Senior Civil Judge, Warangal. They are aggrieved by the alleged inaction of the Court below in passing suitable orders on the I.As filed by them in the said suit for taking further steps pursuant to the preliminary decree passed in the suit. I.A.No.56 of 2009 was filed by them under Order XX Rule 18 C.P.C to pass a final decree for partition of the suit schedule properties into six equal shares and for allotment thereof to the respective parties, by appointment of an Advocate Commissioner for partitioning the same. I.A.No.652 of 2012 in I.A.No.56 of 2009 in O.S.No.7 of 1981 was filed by them under Order XXI Rule 97(1) read with Section 151 C.P.C for a direction to the Advocate Commissioner to remove the houses, compound walls and other constructions raised by third parties in the suit schedule properties and to execute the Warrant of Commission issued by the Court. C.R.P.No.2214 of 2014 was filed by them before this Court alleging inaction on the part of the Court below in passing necessary orders in I.A.No.56 of 2009 filed in the suit, while C.R.P.No.2224 of 2014 was filed by them aggrieved by the alleged inaction of the Court below in passing orders in I.A.No.652 of 2012 in I.A.No.56 of 2009 in O.S.No.7 of 1981.

The docket orders passed in the two I.As reflect that the matters were undergoing adjournments from time to time. After the filing of the two Civil Revision Petitions, this Court adjourned the matters more than 11 times to enable the Court below to take suitable steps in the

matter.

However, it is now stated by Sri Y. Raveendra Kumar, learned counsel for the petitioners, that the Court below has not taken any steps in either of the I.As despite being informed of the pendency of these Civil Revision Petitions. Learned counsel would also submit that some of the parties are senior citizens aged between 70 to 80 years and that the delay on the part of the Court below in taking up the matters is causing them great adversity.

This Court would normally be chary of passing orders in matters of this nature. It is for the Court concerned to balance its workload in such a manner that the parties are not given any cause to complain about the taking up of or proceeding with the cases. However, the cases on hand reflect a rather sorry state of affairs, especially as some of the parties to the litigation are stated to be senior citizens of advanced age. The hope of this Court that the Court below would atleast proceed with the matter upon being apprised of the pendency of these two Civil Revision Petitions has proved to be misplaced as the Court below is apparently not sensitive to the reason as to why this Court adjourned these Civil Revision Petitions again and again.

The Civil Revision Petitions are therefore disposed of directing the Court below to take up the subject I.As promptly and pass suitable orders thereon in accordance with law with due expedition. The Court below shall ensure that the final decree proceedings are not delayed on any unwarranted grounds and shall endeavour to complete the same within six months from the date of receipt of a copy of this order.

Pending Miscellaneous Petitions, if any, shall stand closed. No costs.

SANJAY KUMAR, J

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