

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.2209 OF 2015

ORDER:

This Civil Revision Petition is filed seeking a direction to the Court below to dispose of the O.P.No.6 of 2013.

It is the case of the petitioner that she filed the above said O.P. against the 1st respondent herein under Section 233 of the A.P. Panchayat Raj Act, 1994 (for short, 'the Act'), on account of the fact that as the 1st respondent is having more than two children and as such she could not be continued as a Member of the Gram Panchayat.

Heard Sri S. R. Sanku, learned counsel for the petitioner. In the present case, I do not find it necessary to order notice to the respondents and accordingly ordering of notice to the respondents is dispensed with.

A perusal of the O.P pleadings reveals that the only aspect the Court needs to consider with respect to the allegation of the petitioner is that the first respondent is having more than two children and thus she shall be declared to be disqualified under Section 19(3) of the Act. Apart from the fact that the election petitions are required to be disposed of as expeditiously as possible and, at any rate, considering the fact that if they are kept unduly pending, they can vitiate and would make the very election petition itself infructuous. In the present case, the only evidence that is required to be considered is with respect to the number of children the 1st respondent has and to that extent only the petitioner is required to produce evidence. In this context, recording of evidence should not take more than 3 or 4 days, at best. Even assuming that there is an element of time which is required to be provided to the 1st respondent and other officials to file their counters/written objections, such time cannot be more than 3 to 6 month as the C.P.C itself mandates

a written statement itself should be filed in a civil suit within a period of three months and thereafter only with the leave of the court a written statement can be filed. In that view of the matter, I do not find any justification for the Court below to keep the O.P pending. This is of the year 2013 and kept pending for this long period.

Accordingly, the Civil Revision Petition is disposed of directing the Court below to dispose of the O.P No.6 of 2013 in accordance with law within a period of three months from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any pending in this revision, shall stand closed.

CHALLA KODANDA RAM,J

Date:19.06.2015.

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