

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

C.R.P.No.3102 of 2015

ORDER:

Heard Sri E.V.V.S.Ravi Kumar, learned counsel for the petitioners, Sri K.Chidambaram, learned counsel for 1st respondent and Sri T.Ramakoteswara Rao, learned counsel for 2nd respondent.

2. This Revision Petition is filed challenging the action of the Court below in not even numbering the application filed under Order 21 Rule 97 CPC filed by the petitioners.
3. Petitioners claim that they have been dispossessed from their property under the guise of executing the decree in O.S.No.57 of 1999 which is a different property.
4. I am of the opinion that the view of the Court below that simply because delivery was effected on 13-07-2015, the application under Order 21 Rule 97 is not maintainable, is not correct, in view of the decision of the Supreme Court in **Brahmdeo Chaudhary, Adv Vs. Rishikesh Prasad Jaiswal and another.**
5. After seeing the grounds on which the application filed under Order 21 rule 97 CPC by the petitioners has been returned, I am of the opinion that the Court below ought not to have returned the said E.A. without even numbering it.
6. As regards the objection regarding filing of original power of attorney dt.18-07-2015 is concerned, the petitioners have already represented that the original has been filed in OSSR.No.2800 of 2015 before different Court.

7. Therefore, subject to the petitioners' securing certified copy of the above GPA and filing the same within four weeks from representing EASR No.2666 of 2015, the Court below shall number the said E.A., issue notice to the respondents and then decide the same in accordance with law.
8. The Civil Revision Petition is allowed with the above directions. *Status quo* shall be maintained by all the parties for a period of four weeks from today. No costs.
9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-10-2015

Note:-

Registry shall return to the learned counsel for the petitioners original of the E.A.S.R.No.2666 of 2015 filed by the learned counsel for the petitioners along with this C.R.P. forthwith.

B/o.

kvr