

THE HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.3894 OF 2015

ORDER:

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The petitioner in Election O.P.No.1 of 2014 in the Court of the Senior Civil Judge, Gudur is the revision petitioner herein.

The revision is directed against the order dated 03.08.2015. Through the order impugned, the learned trial Judge dismissed E.O.P.No.1 of 2014 on the ground that there is no evidence in support of various pleas urged by the revision petitioner. From a reading of the order impugned in the revision, it appears to this Court that the learned Judge, having regard to the time stipulated by this Court in C.R.P.No.4651 of 2014 dated 26.06.2015 and that on the petitioner was not adducing evidence, has recorded the findings as noted above.

Heard Sri V.Sudhakar Reddy, learned counsel for the petitioner and Sri P.Gangirami Reddy, learned counsel for the respondent No.1.

The relief under Section 233 of the A.P. Panchayat Raj Act is a substantive relief available to an unsuccessful party in the elections held for gram panchayats. The statute has provided for jurisdiction on the civil Court to decide election disputes. It may be true that the petitioner herein is not adhering to the time schedule stipulated by this Court in C.R.P.No.4651 of 2014. If that be the case, the trial Court ought to have considered imposing costs on the non-cooperating party and if necessary obtain appropriate orders of extension from this Court as stipulated by law. But in the case on hand, from the material available on record, it appears solely on the ground that the revision petitioner declined to lead evidence, the E.O.P was dismissed. Having regard to these facts, the revision is ordered in the following terms:

- i. the order impugned in the revision is set aside. The matter is remanded

to the Senior Civil Judge for disposal in accordance with law;

- ii. on or before 30.11.2015, the revision petitioner is directed to deposit a sum of Rs.2,500/- (Rupees two thousand five hundred only) to the credit of E.O.P.No.1 of 2014 for the benefit of respondent herein or tender to the counsel appearing for respondent;
- iii. the E.O.P shall be heard and disposed of within three months from the date of receipt of a copy of this order; and
- iv. if anyone of the parties resorts to dilatory tactics or fails to cooperate with the trial Court, the trial Court is free to record such dilatory tactics and non-cooperation of parties and proceed to decide the matter in accordance with law.

The revision is, accordingly, ordered as indicated above.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

S.V.BHATT, J

Date:27.10.2015

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