

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.1167 OF 2016

ORDER:

Heard Mr. M. Ravindra and Mr. Venkateswarlu Dabbugunta for the parties.

2. The judgment debtor in EP.No.107 of 2014 in the Court of Principal Junior Civil Judge, Kavali is the revision petitioner.

The respondent herein filed RCC.No.2 of 2008 against the revision petitioner seeking eviction of petitioner from the EP schedule property. On 04.04.2012, RCC.No.2 of 2008 was allowed. The revision petitioner filed RCA.No.1 of 2012 in the Court of Senior Civil Judge, Kavali.

The revision petitioner filed I.A.No.42 of 2012 for stay of the eviction order dated 04.04.2012 in RCC.No.2 of 2008.

3. Though the reasons are stated for not obtaining orders staying operation of the decree dated 04.04.2012, I am not proposing to consider the relevancy of those submissions at this juncture.

The fact of the matter is that the revision petitioner/judgment debtor is on one hand pursuing the remedy of appeal under the A.P. Buildings (Lease, Rent and Eviction) Control Act and at the same time, blissfully enjoying the property without being diligent in prosecuting the said remedies.

4. Be that as it may, the right of appeal is a valuable right under the statute available to the revision petitioner. The uncertainty or complacency of revision petitioner ought not to go against the legitimate prosecution of proceedings by the landlord/respondent. Keeping in mind the above circumstances and also to balance competing interest of both parties, I am of the view that the revision petition can be disposed of by this order.

a) The learned Senior Civil Judge, Kavali shall hear and dispose of RCA.No.1 of 2012 within eight (8) weeks from

today.

b) The parties are directed to maintain status quo obtaining as on today, in all respects for a period of eight (8) weeks from today.

c) If the parties do not cooperate for disposal of the appeal, it is made clear that the learned Judge can consider the record and dispose of RCA.No.1 of 2012.

With the above directions, the civil revision petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

March 11, 2016

Note: Furnish C.C. of the order in three days.

(**B/o**) DSK