

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

TUESDAY THE FIRST DAY OF MARCH
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 959 OF 2016

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Between:

Devireddy Raveendra Kumar Reddy & Anr. ... Petitioners

V/s.

Naru Venkata Reddy & Anr. ... Respondents

Counsel for the Petitioner : Sri T.C. Krishnan

Counsel for the Respondents: None
appeared

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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CIVIL REVISION PETITION NO. 959 OF 2016

ORDER:

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Respondents 1 and 2 in I.A.No. 818 of 2015 in AS.No. 86 of 2015 in the Court of I-Additional District Judge, Nellore are the Revision Petitioners. O.S.No. 660 of 2009 filed by Revision Petitioners was decreed on 09/09/2015. "The first respondent in the Revision filed AS.No.86 of 2015 and sought stay of decree and Judgment.

2. The learned Judge stayed of decree and judgment in the following terms:

Hence, in view of the above facts and circumstances of the case, stay of execution of decree in OS.No.660 of 2009, dated 09/9/2015 on the file of learned I-Additional Senior Civil Judge, Nellore is granted subject to deposit of suit costs and also deposit of 50% of arrears of rent/damages for use and occupation till filing of the appeal at Rs.4,000/- per month and continue to deposit the 50% of the rent/damages i.e., Rs.2000/- [Rs.Two thousand only] per month till disposal of the appeal.

Hence, the Revision.

3. Sri T.C.Krishnan, learned counsel for petitioner vehemently contends that the direction to deposit Rs.2,000/- per month is contrary to the order of this Court in CRP.No.3676 of 2012 and the condition imposed by the appellate court is not a reasonable condition for. Hence prays for allowing the Civil

Revision Petition.

4. I have perused the order under Revision and also the orders of this Court in CRP.No.3676 of 2012.

5. Prima facie, I am of the view that the first appellate court with a view to balance the competing claims for securing possession on one hand and to retain possession on the other hand, granted stay of the decree and judgment in OS.No. 660 of 2009, however, this court directed deposit of arrears and current rent at Rs.2000/- per month. In my considered view, the appellate court has exercised its discretion correctly and the condition imposed cannot be treated as a final word on the amount receivable by the Revision Petitioners. Therefore, I am not inclined to interfere with the discretionary conditional order granted by the first appellate court. The lis is in a narrow sphere and to meet the ends of justice, I direct the first Additional District Judge, Nellore, to hear and dispose of AS.No. 86 of 2015 as expeditiously as possible, preferably within four months from the date of receipt of a copy of this order.

6. With the above direction, the Civil Revision Petition is disposed of. No order as to costs.

7. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE S.V. BHATT

01/03/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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