

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
CIVIL MISCELLANEOUS APPEAL No.336 of 2015

JUDGMENT:

This appeal is filed by the appellant-Municipal Corporation, Hyderabad aggrieved by the order dated 12-02-2015 passed in O.A.No.19 of 2015 by the Chairman, A.P. Endowments Tribunal at Hyderabad, whereby the Tribunal passed an order of eviction under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 30/1987 against the appellants.

Heard learned counsel for the appellants and the learned counsel for the respondents.

Learned counsel for the appellants submits that though no notice is served on the appellants, the Tribunal passed the impugned order. He also contended that the respondents have filed O.S.No.175 of 2011 for injunction against the appellants and the same is pending. During the pendency of the same, the respondents filed the present O.A.

The impugned order goes to show that notice was received by the appellants for the date of 1st date of hearing on 05-12-2014 and on 05-12-2014, they are called absent and they are set *ex parte* in the O.A. Learned counsel for the respondents says that the appellants can file appeal under Section 11(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Rules, 2010 to set aside the *ex parte* order.

Learned counsel for the appellants says that the Endowments Tribunal is not functioning as on today, since there is no Chairman and no members are appointed and there is a threat of eviction from the respondents.

In view of above facts and circumstances, the impugned order is set aside and the matter is remanded back to the Endowments Tribunal and the appellants shall appear before the Tribunal for filing counter within four weeks from the date of receipt of copy of this order and after that the Tribunal shall dispose of O.A. on merits in accordance with law.

Accordingly, the Appeal is disposed of. As a sequel to the disposal of this appeal, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

03-02-2016

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