

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.3524 of 2016

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Date: 05.08.2016

Between:

Kattamuri Appa Rao and another

.. Petitioners

and

Vemparala Suryanarayana Murthy

.. Respondents

Counsel for the petitioners :

Mr.G.Gopala Krishna

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The Court made the following:

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Order :

This Civil Revision Petition is filed against Order, dated 12-07-2016, in IA.No.1287 of 2016 in IA.No.895 of 2016 in ATA.No.2 of 2016 on the file of the Principal District Judge, Visakhapatnam.

I have heard Mr.G.Gopala Krishna, learned Counsel for the petitioners, and perused the record.

The respondent filed a Tenancy Application for eviction of the petitioners. By Order, dated 24-03-2016, the Special Officer under the A.P.Tenancy (A.A) Act -cum- Principal Junior Civil Judge, Yelamanchili, ordered eviction of the petitioners. Feeling aggrieved by the said eviction order, the petitioners filed ATA.No.2 of 2016 in the Court of the Principal District Judge, Visakhapatnam. Along with the said appeal, the petitioners have also filed IA.No.895 of 2016 for stay of eviction of all further proceedings in pursuance of the eviction order. The lower appellate Court, while ordering notice, posted the IA to 08-08-2016. The petitioners have filed IA.No.1287 of 2016 for advancing the hearing of IA.No.895 of 2016, evidently, on the ground that the respondent has filed Execution Petition and that the same was ordered. The lower appellate Court, however, dismissed the said IA.

The necessity of examining the legality or otherwise of the order of the lower appellate Court is obviated for the reason that IA.No.895 of 2016

stood posted to 08-08-2016. The lower appellate Court is, therefore, directed to dispose of the said IA either on the said date or on any other shorter date so that the grievance of the petitioners stands redressed instead of rendering the IA infructuous by allowing the execution to take place even before an order on merits is passed therein.

Subject to the above observations and direction, the Civil Revision Petition is disposed of.

As a sequel to disposal of the Civil Revision Petition, CRPMP.No.4530 of 2016, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 5th August, 2016
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