

**HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY**

**Civil Revision Petition No.1364 OF 2011**

**ORDER :**

This Civil Revision Petition is filed aggrieved by the docket order dated 15.12.2010, passed by the District Judge, Adilabad, in EP.No.2 of 2007 in OS.No.5 of 1998, wherein the Court below issued warrant of arrest against the petitioner herein/J.Dr.No.2.

Learned counsel for the petitioner submits that admittedly the petitioner and 1<sup>st</sup> respondent herein are tribal and the cause of action in the suit arose within the agency area, as such, the Civil Court has no jurisdiction to entertain the EP as well as the suit. In support of his contention he relied on the Judgment in ***Nagarjuna Grammena Bank and others v. Medi Narayana and others***<sup>[1]</sup>.

Heard learned counsel for the respondents.

The Judgment relied on by the petitioner in ***Nagarjuna Grammena Bank's case*** reads as follows;

“1] Before the High Court in a group of Civil Revision Petitions filed under Section 115 of the Code of Civil Procedure, 1908 the issue under consideration was the applicability of the Andhra Pradesh Civil Courts Act, 1972 (Act No.19 of 1972) (for short, ‘1972 Act’) to the Scheduled areas of the State of Andhra Pradesh. One of the contentions raised before the High Court was that the courts established under the 1972 Act cannot be conferred any territorial jurisdiction over the Scheduled Areas and the decrees passed by the Civil Courts were nullity in relation to cases where whole cause of action arose the Scheduled Areas.

9] Mr.R.Venkataramani, learned senior counsel for the State of Andhra Pradesh, submits that the decision taken by the High Power Committee is in accord and conformity

with the notification issued on October 30, 1972 effective from November 1, 1972 declaring that the 1972 Act does not apply to the Scheduled Areas of the State.

10] We have carefully considered the matter and we are satisfied that the judgments under challenge in this group of Civil Appeals do not require any interference.

11] It is, however, clarified that those persons who have decrees, orders or judgments in their favour passed by the Civil Court(s) may lay their claim before the agency court(s). In the event of such claims being laid before the agency court(s), the same shall be decided by the agency court(s) uninfluenced by any judgment, decree or order passed by the Civil Court(s).”

Apart from other facts, though warrant of arrest is issued, the trial Court has not given clear finding whether the petitioner is having sufficient means and avoiding payment of the decretal amount.

In view of the Judgment relied on by the petitioner in **Nagarjuna Grameena Bank’s case (cited supra 1)**, the Civil Court has no jurisdiction to entertain the EP.

In view of the above facts and circumstances, the impugned order dated 15.12.2010 passed by the District Judge, Adilabad, in EP.No.2 of 2007 in OS.No.5 of 1998 is set aside and the CRP is allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the CRP, shall stand closed.

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**A.RAJASHEKER REDDY, J**

03.02.2016  
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[\[1\]](#) 2012 Law Suit (SC) 898