
.. Petitioners

.. Respondent

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ORDER:-

This Civil Revision Petition is directed against the Docket Order dated 12.07.2016 made in E.P.No. 17 of 2016 in O.S.No. 72 of 2012 on the file of the Court of the Principal Junior Civil Judge, Ponnur, Guntur District.

The learned counsel for the petitioners has submitted that the petitioners have been residing in the suit schedule property since 1960 onwards. The respondent herein filed O.S.No. 72 of 2012 against the petitioners herein for mandatory injunction directing them to remove RCC building shown as 'ABCD' of road margin and consequential perpetual injunction, and accordingly, the Principal Junior Civil Judge, Ponnur decreed the suit vide judgment and decree dated 10.12.2015. Thereafter, the respondent-plaintiff filed E.P.No. 17 of 2016, and the executing Court, by Docket Order dated 12.07.2016, directed to demolish the property of the petitioners.

The learned counsel for the petitioners has further submitted that the petitioners have challenged the judgment and decree dated 10.12.2015 before the Court of the Senior Civil Judge, Bapatla, Guntur District by way of an appeal and also filed an application seeking stay of the order of the executing Court, however the same are pending adjudication.

The learned counsel for the respondent-plaintiff, on instructions, has submitted that the land belongs to Gram Panchayat and by erection of structures therein by the petitioners, his passage has been blocked. Moreover, the appeal filed by the petitioners has not yet been numbered, therefore, this Court should not pass any order in the present petition.

Heard the learned counsel for both the parties and perused the material placed on record.

Admittedly, the First Appeal and an application filed by the petitioners seeking stay of the Docket Order dated 12.07.2016 are pending adjudication. The First Appeal is a statutory right and the same has to be decided in accordance with law and if the appeal is filed after the period of limitation, it has to be considered and decided by the Court concerned as per the provisions of the Limitation Act.

Therefore, keeping in view the facts recorded above, I am of the opinion that if the stay application of the petitioners is numbered, the same shall be decided within a period of one week from the date of receipt of a copy of this order. Till the application for stay is disposed of, any proceedings in E.P.No. 17 of 2016 in O.S.No. 72 of 2012 shall remain stayed. It is made clear that if the First Appeal and the application for stay are not yet numbered, this order will have no effect.

In view of the above observations, this Civil Revision Petition is disposed. No order as to costs.

Copy of this order shall be sent to the Senior Civil Judge,

Bapatla, Guntur District for compliance.

As a sequel to the disposal of the Civil Revision Petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

17.08.2016

bcj