

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.805 OF 2016

DATED:01-07-2016

Between:

Radi Bala Raju ... Petitioner

And

Kolisi Mary (died)
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. M. Karuna Sagar

COUNSEL FOR RESPONDENT NO.1: -

COUNSEL FOR RESPONDENT NOS.2 and 3: Mr. Josyula Bhaskar
Rao

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition arises out of order dt.21.1.2016 in E.A. No.6 of 2016 in E.P. No.125 of 2003 in O.S. No.728 of 1998, on the file of the Principal Junior Civil Judge, Visakhapatnam.

I have heard the learned counsel for both parties.

The respondents have obtained a decree for an injunction against the petitioner. They have filed E.P. No.125 of 2003 for arrest of the petitioner. Since the petitioner is a railway employee, the respondents have filed the above-mentioned E.A. under Rule 241 of the Civil Rules of Practice for issuing notice as contemplated therein before arresting the petitioner. The lower Court has allowed the said application.

Mr. Karuna Sagar, learned counsel for the petitioner, fairly submitted that his client is not pressing the issue of limitation raised before the lower Court. He has, however, submitted that though the order of the lower Court to the extent of allowing E.A. No.6 of 2016 for issuing notice to the railway official cannot be termed as illegal, the grievance of the petitioner is that the lower Court has issued the arrest warrant even before the notice was served under Rule 241 of the Civil Rules of Practice.

A perusal of the memorandum of revision petition shows that the petitioner has challenged order dt.21.1.2016 in E.A. No.6 of 2016, which was filed only for the purpose of giving seven days notice to the railway official. The issuance of arrest warrant on the petitioner is not thus subject matter either in E.A.No.6 of 2016 or in the revision petition. In this view of the matter, I do not find any ground to interfere with the order under revision. However, if the petitioner feels

aggrieved by issue of arrest warrant, he shall be free to avail appropriate legal remedy.

Subject to the liberty given to the petitioner as above, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.1025 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

01-07-2016

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