

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION NO.4003 OF 2016

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the docket order, dated 03-01-2014 in I.A.No.231 of 2013 in I.A.No.205 of 2012 in O.S.No.138 of 2012 on the file of the Special Assistant Agent (Mobile Court) at Bhadrachalam.

2. Heard, Mr.P.V.Mahesh, learned counsel for the petitioners and Sri Palivela Satyaraja Babu, learned counsel for the respondents.

3. A perusal of the record reveals that the petitioners herein filed O.S.No.138 of 2012 on the file of the Special Assistant Agent (Mobile Court) at Bhadrachalam against the respondents herein for eviction and recovery of possession of the suit schedule property and for perpetual injunction. Along with the suit, the petitioners filed I.A.No.205 of 2012 for appointment of a Receiver for collection of the rents. The trial Court allowed the said petition, vide order, dated 13-12-2013. Thereafter, the respondents herein filed I.A.No.231 of 2013 to set aside the order passed in I.A.No.205 of 2012, dated 13-12-2013. But, the trial Court kept the orders passed dated 13-12-2013 in I.A.No.205 of 2012 in abeyance.

4. A perusal of the record reveals that the suit schedule property consists of two houses. Both parties are claiming that they are the absolute owners of the suit schedule property.

5. Learned counsel for the respondents herein strenuously submitted that the trial Court passed the orders dated 13-12-2013 in I.A.No.205 of 2012 without giving notice to the respondents. Learned counsel for the petitioners herein

submitted that the trial Court passed the orders in I.A.No.231 of 2013 without giving notice to the petitioners.

6. In view of the rival contentions, this Court is not inclined to go into the merits of the main case.

7. Having regard to the facts and circumstances and also in view of submission made by both counsel, the order, dated 13-12-2013 passed in I.A.No.205 of 2012 and consequential order, dated 03-01-2014 in I.A.No.231 of 2013 are set aside. The learned Sub Divisional Magistrate, Mobile Court at Bhadrachalam, is hereby directed to afford reasonable opportunity to both parties and pass appropriate orders, in accordance with law, in I.A.No.205 of 2012 as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order.

8. Accordingly, the Civil Revision Petition is allowed. No order as to costs. Miscellaneous Petitions, if any, pending in this revision petition shall stand closed.

DATED: 21-10-2016
Hsd

T.SUNIL CHOWDARY, J