

HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.3574 of 2017

ORDER:

This Civil Revision Petition is filed against the inaction of the Executing Court in considering E.A. No.153 of 2016 in E.P. No.14 of 2016 in O.S. No.654 of 2011 and disposing of the same on the file of IV Additional Junior Civil Judge, Rajamahendravaram, East Godavari District.

Heard the learned counsel for the petitioner and perused the material available on record.

The case in brief is that the respondent filed eviction suit against the petitioner. Subsequently, the case was compromised before the Lok Adalat and an award was also passed on 31.08.2015 and the petitioner informed that he would vacate the premises on completion of his construction. At the time of signing the Award of the Lok Adalat, the respondent promised the petitioner to extend the time to vacate the suit schedule property till 31.03.2017. But, the respondent mischievously, filed the E.P., to evict the petitioner from the property and to hand over vacant possession of the said property to him. Therefore, the petitioner filed EA No.153 of 2016 before the Executing Court. But, the Executing Court without considering the application filed by the petitioner, is trying to dispose of the E.P.

The grievance of the petitioner is that he is ready to vacate the premises after completion of his construction, and that the respondent has resiled his promise and filed the E.P., and though he filed E.A., seeking stay of proceedings in the E.P., the Executing Court is not considering the same.

After perusing the record and after considering the grievance of the petitioner, this Court is of the view that the CRP can be disposed of with the following direction:

“The IV Additional Junior Civil Judge, Rajamahendravaram, East Godavari District, is directed to dispose of E.A. No.153 of 2016 filed by the petitioner in E.P. No.14 of 2016 in O.S. No.654 of 2011, and thereafter, consider the E.P., and pass appropriate orders.”

The Civil Revision Petition is accordingly disposed of. No order as to costs. Consequently, miscellaneous petitions, if any shall also stand closed.

August 02, 2017
KTL



RAJA ELANGO, J