

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

CIVIL REVISION PETITION NO.4365 OF 2017

DATED:01-09-2017

Between:

Rajat Kanti Dhara

... Petitioner

And

Dhara Ranjit Kumar
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. G. Umapathi Sastry

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition is filed by respondent No.1 in R.C.C. No.19 of 2015 on the file of the Rent Controller-cum-IV Additional Junior Civil Judge, Visakhapatnam, who suffered a decree for eviction and also recovery of arrears of rent, feeling aggrieved by order dt.21.6.2017 in E.P. No.13 of 2017 filed in the aforesaid RCC.

In the preamble portion of the memorandum of the revision petition the petitioner has stated that he has filed the revision petition against the order of his eviction, vide docket order dt.21.6.2017. The said docket order shows that the Court below, in the aforesaid E.P. filed by respondent No.1, issued warrant against the petitioner under Order XXI Rule 35 of the Code of Civil Procedure, 1908 read with Section 15 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960. The learned counsel for the petitioner submitted that his client has not filed any appeal against the eviction order. In the absence of any order granting stay of eviction by the competent court, the lower Court is justified in issuing warrant against the petitioner. The petitioner cannot question the order issuing warrant in execution of eviction order without availing the remedy of appeal.

For the aforementioned reasons, I do not find any illegality in the order of the lower Court. Hence, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.5735 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

01-09-2017

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