

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.1294 OF 2017

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dated 17.01.2017 in I.A.No.842 of 2016 in O.P.No.909 of 2016 on the file of the XXV Additional Chief Judge, City Civil Court at Hyderabad.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the first respondent herein filed O.P.No.909 of 2016 on the file of the XXV Additional Chief Judge, City Civil Court at Hyderabad, seeking a declaration that conducting of elections and its process dated 10th to 12th December, 2015 and declaring its results dated 07.04.2016 as valid. During pendency of the O.P., the first respondent filed I.A.No.842 of 2016 to direct respondent Nos.5 to 11 in the said O.P. to defreeze the accounts enabling the first respondent-Society to operate the said accounts till disposal of the said O.P. The trial Court allowed the said I.A. on 17.01.2017 permitting the first respondent herein to operate its bank account maintained with respondent No.5 in the O.P. only for the purpose of releasing the arrears of salaries and salaries of its employees, by crediting the same to the individual bank accounts of the employees.

4. A perusal of the record reveals that neither the petitioners nor the first respondent submitted the list of the employees. In such circumstances, payment of salaries to the employees does not arise at all.

5. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to set aside the order dated 17.01.2017 in I.A.No.842 of 2016 in O.P.No.909 of 2016 on the file of the XXV Additional Chief Judge, City Civil Court at Hyderabad and remand the matter to the trial Court so as to enable the first respondent herein to submit the list of employees before it.

6. Accordingly, the Civil Revision Petition is allowed setting aside the order dated 17.01.2017 in I.A.No.842 of 2016 in O.P.No.909 of 2016 and remanded the matter to the trial Court enabling the first respondent to submit the list of employees. The petitioners are at liberty to file their objections with regard to the list of employees submitted by the first respondent. After hearing both sides, the learned XXV Additional Chief Judge, City Civil Court at Hyderabad, is hereby directed to dispose of I.A.No.842 of 2016 in O.P.No.909 of 2016 in accordance with law on or before 30.04.2017. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 16.03.2017
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