

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

C.R.P.No.74 of 2017

ORDER:

In the present revision, challenge is to the order dated 8.12.2016 passed by the Court of Junior Civil Judge, Gooty in E.P.No.56 of 2014 in R.C.C.No.1 of 2009.

2. Heard the learned counsel for the petitioner Sri Harish Kumar Rasineni and the learned counsel for respondent Smt.Sasikala, apart from perusing the material available on record.

3. The respondent herein filed R.C.C.No.1 of 2009 seeking eviction of the petitioner herein. The learned Junior Civil Judge, Gooty allowed the said application, ordering eviction within a period of two months. Subsequently, the respondent herein filed E.P.No.56 of 2014 for enforcement of the order. The Court of Junior Civil Judge, Gooty by way of order dated 8.12.2016, allowed the said E.P. The said order passed by the Court below is under challenge in the present revision.

4. According to the learned counsel for the petitioner, the order under challenge is erroneous, contrary to law and the Court below did not take into consideration the averments in the counter that the petitioner herein was the tenant earlier and he vacated the said house 16 years back and handed over the same to the respondent.

5. On the other hand, it is submitted by the learned counsel for the respondent that there is no illegality nor there is any infirmity in the impugned order.

6. Since it is the specific case of the petitioner herein that he is not residing in the subject premises, he cannot be regarded as a party aggrieved and therefore, on this ground alone, the revision fails and is accordingly dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 27.1.2017
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