

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

CIVIL REVISION PETITION No.804 of 2017

02.06.2017

Between:

Radi Bala Raju

..Petitioner

and

Kolisi Mary (died) and others

..Respondents

Counsel for the petitioner: Mrs.T.Dhanalakshmi for Mr.M.Karuna Sagar

Counsel for respondent Nos.2 and 3: Mr.Josyula Bhaskara Rao

The Court made the following:



ORDER:

This civil revision petition arises out of warrant of arrest issued by the Principal Junior Civil Judge, Visakhapatnam, against the petitioner in E.P.No.125 of 2003 in O.S.No.728 of 1998.

2. A perusal of the record shows that on the same day on which the notice was issued to the petitioner's employer regarding arrest, warrant of arrest was issued to the petitioner.

3. Mr.Josyula Bhaskara Rao, learned counsel for respondent Nos. 2 and 3, has fairly conceded that the procedure under Rule 241 of the Civil Rules of Practice and Circular Orders, 1980, which envisages seven days notice to the immediate superior of the person to be arrested, was not followed.

4. As the impugned warrant of arrest suffers from the aforementioned procedural illegality, the same is not sustainable and is, accordingly, set aside. The Court below is, however, directed to pass a fresh order strictly in terms of Rule 241 of the Civil Rules of Practice and Circular Orders, 1980.

5. Subject to the above direction, the Civil Revision Petition is allowed.

6. As a sequel to allowing C.R.P., C.R.P.M.P.No.1056 of 2017 filed by the petitioner for interim relief shall stand disposed of.

C.V.NAGARJUNA REDDY, J

02nd June, 2017
GHN