

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITION No.746 OF 2017

ORDER :

This revision is arising out of the order, dated 29.09.2016 passed in I.A.No.940 of 2016 in A.S.No.59 of 2016 on the file of the Special Judge for Trial of S.C.S.T., (POA) Act-cum-IV Additional District Judge, Vizianagaram.

2. The revision petitioner is the plaintiff and the respondents are the defendants in O.S.No.218 of 2010.

3. The plaintiff filed the above said suit on the file of the Senior Civil Judge, Parvathipuram, for eviction and for other reliefs and the same was decreed in his favour. The defendants approached the appellate Court by way of appeal in A.S.No.59 of 2016 and stay was granted in I.A.No.940 of 2016 in A.S.No.59 of 2016 directing the defendants to deposit the suit costs of Rs.34,284/- and Rs.2,73,000/- towards arrears of rent.

4. It is brought to the notice of this Court that the said amounts were paid by them to the respondent within the stipulated time.

5. Heard arguments of the learned counsel for the revision petitioner.

6. Learned counsel for the petitioner submitted that without giving any reasons, the appellate Court granted stay and he seeks early disposal of the appeal suit.

7. Usually, the trial Court grants such orders by imposing conditions to deposit costs and arrears of rent. The appellate Court also passed a similar order which cannot be found fault. There are no grounds to set aside the orders of stay passed by the

appellate Court, as the appellate Court has taken care of directing the defendant to deposit the suit costs and also the arrears of rent an amount of Rs.2,73,000/-. Hence, this Court is not inclined to interfere with the order impugned.

8. Hence, the Civil Revision Petition is dismissed. However, the lower appellate Court is directed to dispose of the appeal suit, as expeditiously as possible. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date : 17.02.2017
ssp

GUDISEVA SHYAM PRASAD,J

