

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

CIVIL REVISION PETITION NO.1634 OF 2017

DATED: 16-06-2017

Between:

Ganivada Peddi Naidu
and another

... Petitioners

And

Poosarla Nookayya Setty

... Respondent

COUNSEL FOR THE PETITIONERS: Mrs. T.V. Sridevi

COUNSEL FOR THE RESPONDENT: Mr. M. Radhakrishna



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.13.3.2017 in I.A. No.204 of 2016 in O.S. No.61 of 2008 on the file of the Senior Civil Judge, at Chodavaram.

The short issue that arises for consideration in this civil revision petition is whether the petitioners, who are the defendants in the suit, are not entitled to re-delivery of the possession of the property in question following the order of this Court setting aside the order in I.A. No.360 of 2008 appointing an Advocate Receiver, who has taken possession of the property in pursuance of the said order. There cannot be any dispute that the logical consequence of setting aside of an order appointing the receiver is to put the parties in the same place as they were situated prior to the passing of the order of appointment of receiver. The Court below, in my opinion, has committed a serious error in not allowing I.A. No.204 of 2016. Ordinarily, with the aforementioned finding, the petitioners should have been entitled to re-delivery of possession of the property. However, it is brought to my notice that the hearing of O.S. No.61 of 2008 is at the advanced stage and that the arguments of the respondent - plaintiff's side have already been completed. In these circumstances of the case, instead of directing re-delivery of the possession of the property to the petitioners, interests of justice would be served, if the Court below is directed to dispose of the suit at the earliest. Accordingly, without interfering with the order under revision, the Court below is directed to dispose of the suit as expeditiously as possible and not later than two months from the date of receipt of this order.

With the above observations and directions, the civil revision petition is disposed of.

As a sequel to disposal of the civil revision petition, C.R.P.M.P. No.2158 of 2017 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

16-06-2017

bnr

