

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

SECOND APPEAL No.777 OF 2016

JUDGMENT:

The second appeal is filed against the Judgment and decree, dated 02.12.2015, passed in A.S.No.75 of 2011 by the Court of the Principal District Judge, Srikakulam.

The appellants herein are the defendants in A.T.C.No.3 of 2000, which was filed by the respondents herein seeking eviction of the appellants/tenants and that the said A.T.C., was dismissed by the primary authority on 21.07.2011 and aggrieved thereby, the respondents/plaintiffs filed A.T.A.No.1 of 2011 and vide Judgment, dated 02.12.2015, the appellate authority remanded the matter back to the Special Officer-cum-Junior Civil Judge's Court, Amadalavalasa, with a direction to dispose of A.T.C.No.3 of 2000 after receiving certain documents and affording reasonable opportunity to both sides within a period of three months from the date of receipt of records.

A perusal of the impugned order shows that nothing is adjudicated on merits by the lower appellate authority and as such, the second appeal cannot be entertained. Needless to say that since the matter is remanded to the primary authority, the learned Special Officer under A.P.Tenancy (Andhra Area) Act, 1956-cum-Junior Civil Judge, Amadalavalasa, shall dispose of A.T.C.No.3 of 2000 within a period of three months from the date of receipt of copy of this order uninfluenced by any of the observations made by the lower appellate authority or in this order. It is made clear that any amounts deposited will be subject to the result of the A.T.C.

The second appeal is accordingly dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.K.JAISWAL

27.02.2017
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