

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION Nos.4761 & 4762 of 2017

COMMON ORDER:

Since the issue involved in both the revisions is one the same, the Civil Revision Petitions are disposed of by this common order.

2. Heard.

3. These Civil Revision Petitions came to be file questioning the inaction of the Court below in not entertaining the applications filed by the petitioner, who claims to be a cultivating tenant and who took lease of the land from the judgment debtor.

4. It is the case of the petitioner in C.R.P.Nos.4761 and 4762 that the decrees in O.S.Nos.48 of 2013 and 32 of 2014 came to be passed on 11.04.2016 and 01.07.2015 for a sum of Rs.4,02,667/- and Rs.4,52,500/- respectively. Thereafter, E.P.No.29 of 2016 in O.S.No.48 of 2014 and E.P.No.20 of 2016 in O.S.No.32 of 2014 came to be filed by the first respondents herein seeking attachment and sale of property. At this stage, the petitioner who is a leaseholder of the subject property made respective applications before the Court below seeking a direction, not to sell the petition schedule property by way of public auction till the disposal of ATC Nos.3 and 4 of 2017 on the file of Tenancy Tribunal, Kothapeta vide E.A.(SR) No.2279 of 2017 and E.A.(SR) No.2026 of 2017. E.A.(SR) No.2279 of 2017 was returned on 04.09.2017 with the objections as to "how the petition is maintainable and as to how the tenant is competent to file claim petition? While E.A.(SR) No.2026 of 2017 was returned on 11.08.2017, with three objections namely:

1. How this petitioner is entitled to seek the relief as a tenant should be explained?
2. Proof of documents should be filed along with this petition.
3. Boundaries of the petition schedule not tallied with E.P. schedule".

5. Subsequently, on 16.08.2017, when E.A.(SR)No.2026 of 2017 was represented stating that objections 1 to 3 dated 11.08.2017 are herewith complied with, but the same was returned on 16.08.2017 itself on the ground that previous objections were not complied.

6. Challenging the docket orders passed in E.A.(SR)Nos.2279 and 2026 of 2017, the present revisions came to be filed seeking a direction to the Court below to receive and entertain E.A.(SR)Nos.2279 and 2026 of 2017, by setting aside the docket orders dated 04.09.2017 and 16.08.2017.

7. It is to be noted that the setting aside of the docket orders does not arise, since the objections raised by the office of the trial Court were never complied with except stating that objections 1 to 3 dated 11.08.2017 are herewith complied. No explanation was given in detail as to how the said objections were complied with. On the other hand, no explanation is given with regard to the objections raised by office in E.A.No.2279 of 2017 with regard to maintainability of the EA.

8. In view of the above circumstances, the petitioner shall forthwith comply with all the objections raised in E.A.(SR) Nos.2279 of 2017 and E.A.(SR)No.2026 of 2017, in which event, the trial Court shall deal with the same, in accordance with law.

9. Accordingly, the Civil Revision Petitions are disposed of. There shall be no order as to costs.

10. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

Date:24.11.2017.
vnb

C.PRAVEEN KUMAR, J

