

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE T.RAJANI

CIVIL REVISION PETITION No.5510 of 2016

Date:19.01.2017

Between.

Yellu Raji Reddy,
S/o Bapu Reddy

..... Petitioner

And.

M/s Shriram City Union Finance
Limited, Siddipet Branch, repled by
its GPA and Authorised Signatory-K.Rajendra
Kumar and two others.

.....Respondents

Counsel for the Petitioner: Mr. K.Lakshman

Counsel for Respondent No.1: Mr. Kuncham Maheswara Rao

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Civil Revision Petition arises out of docket order, dated 17.10.2016, in EA.No.6 of 2016 in E.P.No.10 of 2015 on the file of the learned VI Additional District Judge, Siddipet at Medak District.

Respondent No.1 has secured an arbitral award against the petitioner and respondent Nos.2 and 3 on 19.01.2015. The petitioner has filed O.P.No.5 of 2016 assailing the said award. He has also filed I.A.No.20 of 2016 on 05.01.2016 seeking stay of operation of the award. During the pendency of the O.P., respondent No.1 has filed E.P.No.10 of 2015 seeking execution of arbitral award. The E.P. was posted to 24.8.2016 for counter of the petitioner and respondent Nos.2 and 3. As no counter-affidavit was filed, an ex parte order was passed on 24.8.2016 allowing the E.P. Seeking setting aside of the said ex parte order, the petitioner filed E.A.No.6 of 2016. By the order under revision, the lower Court has dismissed the said E.A.

At the hearing, Mr. Lakshman, learned counsel for the petitioner, submitted that I.A.No.20 of 2016 filed by his client for stay of the award stands posted to 02.02.2017 which fact is not disputed by Mr. Kuchem Maheswara Rao, learned counsel for respondent No.1.

In our opinion, when the application filed by the petitioner for stay of award is pending, the lower Court ought not to have passed an ex parte order in the E.P. and declined to set aside the said ex parte order.

In these facts and circumstances of the case, the order, dated , in EA.No.6 of 2016 is set aside and E.P.No.10 of 2015 is restored to file. The lower Court is directed to dispose of I.A.No.20 of 2016 as expeditiously as possible and take up E.P.No.10 of 2015 depending upon the result of the said I.A.

The Civil Revision Petition is, accordingly, allowed to the extent indicated above.

As a sequel to disposal of the Civil Revision Petition, CRPMP.No. of the petitioners, who have purchased an extent of Acs.297.83 cents of land in the public auction held by the Official Liquidator of this Court, filed this Writ Petition with the grievance that for an extent of Acs.166.70 cents of the land in Survey Nos.289, 333, 452, 454, 455, 456, 457, 459, 460, 461, 462, 464, 465, 466, 468, 469, 470, 472, 473, 477, 478, 489, 491, 492, 493 and 503 of Kakivaya Village, Chejerla Mandal, SPSR Nellore District, respondent No.5 has not been issuing pattadar passbooks and title deeds in their favour.

At the hearing, the learned Assistant Government Pleader for Revenue (Andhra Area), while not disputing the claim of the petitioners that they have purchased the above-mentioned lands in an auction held by the Official Liquidator on the direction issued by this Court, however, submitted that respondent No.5 has referred the matter to respondent No.3 for certain clarifications and that the latter will do the needful under the provisions of The Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 within a reasonable time.

In the light of the above submissions of the learned Assistant Government Pleader for Revenue, the Writ Petition is disposed of with the direction to respondent No.5 to complete the process in pursuance of the application made by the petitioners for issue of pattadar passbooks and title deeds and communicate the decision to the petitioners within a period of two months from the date of receipt of a copy of this order.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.99 of 2014 is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.RAJANI

19th January, 2017

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