

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

CIVIL REVISION PETITION NO.4853 OF 2016

DATED:10-03-2017

Between:

Thutta Tirupati Rao

... Petitioner

And

Andhra Bank
Rep. by its Branch Manager
Markondaputti
Vizianagaram District
and another

... Respondents

COUNSEL FOR THE PETITIONER: Mrs. B. Geetanjali Devi,
for Mrs. A.V.S. Lakshmi

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.16.8.2016 in I.A. No.1068 of 2015 in O.S. No.347 of 2008, on the file of the XII Additional District Judge, Visakhapatnam.

The petitioner is an account holder and respondent No.2 is an employee of respondent No.1 – bank. Respondent No.2 was subjected to disciplinary as well as criminal proceedings. The aforementioned suit was filed by respondent No.1 for recovery of certain amounts from respondent No.2/defendant No.1 as well as the petitioner/defendant No.2, while the Central Bureau of Investigation has filed a criminal case against them which is being tried as C.C. No.9 of 2008 on the file of the Principal Special Judge for C.B.I. Cases, Visakhapatnam. The petitioner/defendant No.2 has filed the aforementioned I.A. seeking stay of the proceedings in the suit till the disposal of the criminal proceedings. This application having been dismissed by the lower Court, he filed this revision petition. While rejecting the I.A. filed by the petitioner, the lower Court has placed reliance on the judgment of the Apex Court in *State of Rajasthan v. M/s. Kalyan Sundaram Cement Industries Ltd.*¹ wherein it was held as under:

“It is settled law that pendency of the criminal matters would not be an impediment to proceed with the civil suits. The criminal court would deal with offence punishable under the Act. On the other hand, the courts rarely stay the criminal cases and only when the compelling circumstances require the exercise of power. We have never come across stay of any civil suits by the courts so far. The High Court of Rajasthan is only an exception to pass such orders. The High Court proceeded on wrong premise that the accused would be expected to disclose their defence in the criminal case by asking them to proceed with the trial of the suit. It is not a correct principle of law.”

In the light of the abovementioned authoritative pronouncement, the lower Court is justified in dismissing the I.A. and I do not find any

¹ (1996) 3 SCC 87

jurisdictional error in the order of the lower Court. The civil revision petition is therefore dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.6313 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

10-03-2017

bnr

