

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITION No.1731 of 2018

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is preferred by the petitioners/Decree Holders (DHrs) aggrieved by the action of the Court below in not disposing of E.A.No.70 of 2017 in E.P.No.96 of 2015 in O.S.No.247 of 2011 on the file of the Principal Senior Civil Judge, Srikakulam, Srikakulam District, seeking police protection for eviction of the Respondent/Judgment Debtor (JDr) from the suit schedule house property.

Petitioners are the plaintiffs and respondent is the defendant in the suit O.S.No.247 of 2011. For the sake of convenience, the parties are referred to as they were arrayed in the suit before the Court below.

The plaintiffs filed the aforesaid suit for specific performance of the Agreement of Sale against the defendant in respect of the suit schedule property. On consideration of the evidence and the material on record, vide judgment and decree dated 10.11.2014, the Court below decreed the said suit with costs directing the defendant to execute the regular sale deed in favour of plaintiff Nos.2 to 5 in respect of the suit schedule property after receiving the balance sale consideration of Rs.2,75,000/- within three months from the

date of decree and judgment and plaintiff Nos.2 to 5 were directed to deposit the balance sale consideration in the Court within one month and in case of failure on the part of the defendant to execute the registered sale deed in favour of plaintiff Nos.2 to 5 within the stipulated period, plaintiff Nos.2 to 5 may obtain registered sale deed under due process of law. Thereafter the plaintiffs filed E.P.No.96 of 2015 in O.S.No.247 of 2011 for execution of the registered sale deed in favour of Plaintiff Nos.2 to 5 in respect of E.P. schedule property. The said E.P. was ordered by the Executing Court, while over-ruling the counter objections filed by the defendant and posted the matter for filing draft sale deed, vide order dated 29.04.2016. Thereafter, the plaintiffs filed E.A.No.70 of 2017 in E.P.No.96 of 2015 in O.S.No.247 of 2011 under Order 21, Rule 35(1) of C.P.C., seeking police aid for break open the doors of the scheduled mentioned property in order to comply with the order in E.P.No.96 of 2015. As the same is not being disposed of by the Court below for a long time, the plaintiffs have filed the present Civil Revision Petition.

Heard learned counsel for the petitioners/DHrs and perused the material on record.

It is unfortunate to note that though E.A.No.70 of 2017 in E.P.No.96 of 2015 was filed long back, the same is not

being disposed of by the Court below thereby depriving the petitioners/DHrs to enjoy the fruits of the decree in the suit.

In view of the above facts and circumstances, this Civil Revision Petition is disposed of directing the Court below to dispose of E.A.No.70 of 2017 in E.P.No.96 of 2015 in O.S.No.247 of 2011 expeditiously, within a period of fortnight from the date of receipt of a copy of this order. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

13.04.2018.

NOTE: Issue C.C. by 18.04.2018.
(B/O)
Msr

GUDISEVA SHYAM PRASAD, J



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