

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.180 OF 2016

ORDER:

1 This Civil Revision Petition is filed under Article 227 of the Constitution of India aggrieved by the order dated 26.02.2011 passed in I.A.No.101 of 2011 in O.S.No.75 of 2009 on the file of the Court of the Senior Civil Judge, Avanigadda, Krishna District.

2 Heard the learned counsel for the petitioner and respondent and perused the record.

3 A perusal of the record reveals that the respondent filed O.S.No.75 of 2009 on the file of the Court of the Senior Civil Judge, Avanigadda, Krishna District against the petitioner for partition of the suit schedule property. During the pendency of the suit, the respondent filed I.A.No.101 of 2011 under Order 40 Rule 1 r/w section 151 CPC to appoint a receiver to take immediate possession of the suit schedule property. The trial court disposed of the said application on 26.2.2011, directing the petitioner to deposit an amount of Rs.10,000/- commencing from the agricultural year 2010 onwards. The trial court also made an observation that if the petitioner fails to deposit Rs.10,000/- as stated supra, the defence of the petitioner will be struck down. For one reason or the other, the petitioner did not deposit Rs.10,000/- for the agricultural year 2013-14. While the things stood thus, the respondent filed I.A.No.658 of 2014 under Section 151 CPC r/w section 15-A CPC to struck down the defence of the petitioner. The trial court allowed that petition on 01.10.2015. Hence the present Civil Revision Petition.

4 At the time of arguments, both counsel submitted that the petitioner did not deposit Rs.10,000/- for the agricultural year 2013-

14. The only relief sought by the learned counsel for the petitioner is to grant four weeks time to the petitioner to deposit Rs.10,000/- to the credit of the suit. The learned counsel for the respondent agreed for the same.

5 In view of the submissions made by both counsel, this court is not inclined to go into the merits of the main case.

6 Having regard to the facts and circumstances of the case, time is granted up to 02.08.2018 to the petitioner to deposit Rs.10,000/- to the credit of the suit O.S.No.75 of 2009 on the file of the Court of the Senior Civil Judge, Avanigadda, Krishna District, failing which the respondent is at liberty to take appropriate steps in accordance with law.

7 Accordingly, this Civil Revision Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand dismissed.

T.SUNIL CHOWDARY, J

Date: July 2, 2018
Kvsn