

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

C.R.P.Nos.4496, 3001 and 3013 of 2018

Date: 24.08.2018

Between:

Suresh Chandra Narisetty
S/o.Vinayaka Rao,
Aged: 48 years, Occ: Business,
R/o.Plot No.15-15-43, Flat No.G6,
Prathima Paradise, Beach Road,
Maharani Pet, Visakhapatnam,
Andhra Pradesh.

... Petitioner

And

Vurimi Venkata Narasimha Murthy
(VVN Murthy),
S/o.Chandrayya,
Aged: 75 years, Occ: Retd. Engineer
and presently Industrialist,
401, Swagruha Sapphire Apartments,
Dutch Layout, Beach Road,
Visakhapatnam – 17.

... Respondent

Counsel for the Petitioner : Mr.P.Nagendra Reddy for
Mr.K.Ramachandra

Counsel for the Respondent: Mr.P.Veera Reddy, Senior counsel
for Mr.M.Balasubrahmanyam

The Court made the following:

Common Order:

These civil revision petitions arise out of execution proceedings in O.S.No.119 of 2017 on the file of the Principal Senior Civil Judge at Gajuvaka.

2. In the manner, the revision petitions are proposed to be disposed of, it is not necessary to refer the facts in detail. It will suffice to note that in pursuance of the order of the lower court, directing delivery of possession and various other orders, physical delivery of property was effected in favour of the respondent on 28.04.2018.

3. At the hearing, the petitioner is personally present. The learned counsel representing him has placed before the court, a demand draft for Rs.6,50,000/- towards part arrears, taken out in the name of the court below. During the hearing of the case, the petitioner having realized that physical delivery of possession having already been effected and chances of his success in the appeal pending before this Court against the decree in the suit being very remote, has agreed for disposal of the revision petitions, by directing the lower court to permit him to remove the machinery lying in the premises, over a period of 3 months, subject to his paying all the arrears as determined in E.P.No.241 of 2017 by the lower Court.

4. Mr.P.Veera Reddy, learned senior counsel for the respondent, has agreed for this proposal.

5. In the light of the consensus reached between the parties as above, these civil revision petitions are disposed of in the following terms:

(i). Within one month from the date of receipt of this order, the lower court shall determine the arrears payable by the petitioner.

(ii). Within one month after such determination, the petitioner shall pay the arrears so determined. On such payment, the petitioner shall be permitted to remove the machinery. He shall complete such removal, within a period of 3 months from the date of commencement of removal operations, to enable the respondent to put the premises to use in the manner as he likes.

(iii). In the event of default of payment of the arrears as per conditions (i) and (ii) stipulated supra, this order would automatically stand vacated and the benefit of this order will not enure to the petitioner.

(iv). The eviction of the petitioner and his payment of arrears, shall be subject to the result of A.S.No.191 of 2018.

6. The civil revision petitions are, disposed of, accordingly.

7. As a sequel to the disposal of the civil revision petitions, I.A.No.1 of 2018 (C.R.P.No.4496 of 2018), I.A.Nos.1, 2 and 3 of 2018 (C.R.P.No.3001 of 2018) and I.A.Nos.1, 2 and 3 of 2018 (C.R.P.No.3013 of 2018), stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Date: 24th August, 2018

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