

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.4848 of 2018

ORDER:

Heard the learned counsel for the petitioner.

2. This Civil Revision Petition is filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 by the petitioner assailing the order dt.12-07-2018 in E.A.No.22 of 2018 in E.P.No.6 of 2018 in R.C.C.No.2 of 2012 of the Principal Junior Civil Judge, Chittoor.

3. Petitioner is a tenant who has suffered an order dt.30-11-2016 of eviction in the R.C.C. No.2 of 2012. Thereafter, E.P.No.6 of 2018 was filed on 23-12-2017. Delivery warrant was also issued by the Court on 08-02-2018.

4. Since the petitioner tried to assault the bailiff, who came to execute the warrant, the respondents filed E.A.No.22 of 2018 under Section 151 CPC seeking police aid to direct the Station House Officer, Chittoor, I Town Police Station, to render police help and protection to the bailiff and the respondents to vacate the E.P. schedule property and to execute the warrant.

5. Counter affidavit was filed by the petitioner denying the existence of relationship of landlord and tenant and also contending that there is an unregistered agreement of sale dt.28-06-2010, under

which late Prameela sold the subject property to one Kanthamma and so the respondents have no locus standi to file the E.P.

6. By order dt.12-07-2018, the Court below allowed the said E.A. stating that the petitioner interfered at the time of execution of delivery warrant by the Court employee and it is necessary to provide police aid for implementing the decree of execution passed in the R.C.C.

7. Assailing the same, this Civil Revision Petition is filed.

8. Though the learned counsel for the petitioner reiterated the contention about the absence of relationship of landlord and tenant between the respondents and the petitioner, once the decree of eviction passed in the R.C.C.No.2 of 2012 attained finality by dismissal of R.C.A.No.1 of 2017 as is admitted by the learned counsel for the petitioner, the petitioner cannot resist execution of decree by raising contentions which can only be considered during the pendency of the R.C.C. The executing Court cannot go behind the decree of eviction.

9. I therefore see no merit in the Civil Revision Petition. It is accordingly, dismissed at the admission stage. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-08-2018
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