

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Civil Revision Petition No.5337 of 2018

ORDER:

This revision, under Section 115 CPC, is preferred against the order passed by the 1st Senior Civil Judge, City Civil Court, Hyderabad in E.P.No.47 of 2018 in O.S.No.180 of 2009 dated 11.09.2018.

The respondent-plaintiff filed O.S.No.180 of 2009 seeking eviction of the petitioner herein from the Suit schedule property. The 1st Senior Civil Judge, City Civil Court, Hyderabad decreed the Suit on 11.12.2013 giving the petitioner herein three months time to vacate the Suit schedule property. The three months time, stipulated by the trial Court, expired on 11.03.2014. The petitioner herein preferred A.S.No.64 of 2014 before the XXIV Additional Chief Judge, City Civil Court, Hyderabad who, by his judgment dated 13.07.2017, dismissed the appeal but, however, granted the petitioner herein time till 13.07.2017 to vacate the subject property. Aggrieved thereby, the petitioner herein filed S.A.No.1147 of 2017 and this Court, by its judgment dated 05.07.2018, dismissed the Second Appeal confirming the judgment and decree passed in A.S.No.64 of 2014 date 13.07.2017. No time was granted by this Court in S.A.No.1147 of 2017; and, since the judgment and decree in A.S.No.64 of 2014 dated 13.07.2017 was affirmed, the petitioner was obligated to vacate the Suit schedule property by 13.10.2017.

While Sri Babuji Tenneti, Learned Counsel for the petitioner, would submit that the three month period, to vacate the subject property, should be reckoned from the date of the judgment in

S.A.No.1147 of 2017 dated 05.07.2018, I find no merit in the said contention in as much as this Court, while dismissing the Second Appeal, did not consider it appropriate to grant the petitioner herein time to vacate the Suit scheduled property. Since the judgment of this Court in S.A.No.1147 of 2017, affirmed the judgment and decree in A.S.No.64 of 2014 dated 13.07.2017, the petitioner was required to vacate the Suit schedule property by 13.10.2017, as directed by the appellate Court, in its decree in A.S.No.64 of 2014 dated 13.07.2017.

While Sri Babuji Tenneti, Learned Counsel for the petitioner, would request two weeks time for the petitioner to vacate the subject property, the fact remains that the petitioner ought to have sought extension of time, to vacate the subject property, in S.A.No.1147 of 2017. As no further time was granted by this Court, in S.A.No.1147 of 2017 dated 05.07.2018, the Court below was justified in issuing fresh delivery warrant to the Bailiff to break open the lock of the Suit schedule property, with the assistance of police in executing the warrant. The order passed by the Court below, in E.P.No.47 of 2018 dated 11.09.2018, does not suffer from any patent illegality necessitating interference by this Court in these revision proceedings.

The Civil Revision Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions, if any pending, shall also stand dismissed. No costs.

(RAMESH RANGANATHAN, J)

Date:14.09.2018.

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