

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

C.R.P.No.5722 of 2018

Date: 05.10.2018

Between:

Yendapalli Kondaiah,
S/o.Late Ramu Naidu,
(Died rep. by LR's. P2 to P4)
and three others.

...

Petitioners

And

The Sub-Collector-cum-Agency Sub Judge,
Paderu,
Visakhapatnam district
and five others.

...

Respondents

Counsel for the Petitioners : Mr. G.V.Shivaji

Counsel for the Respondents: ----

The Court made the following:

Order:

This civil revision petition is filed against judgment and decree dated 02.07.2018 in A.O.S.No.36 of 2006 on the file of the Agency Subordinate Judge, Paderu.

2. At the hearing, Mr.G.V.Shivaji, learned counsel for the petitioners submitted that under Section 47 of A.P. Agency Act, 1924, an appeal lies to the agent to the State Government against every original decree passed by the Agency Subordinate Judge and that since the officer who passed the decree is also in charge of the post of Agent, the petitioners could not file the appeal.

3. In my opinion, the scope of the appeal being larger than revision, it is appropriate for the petitioners to avail the remedy of appeal. If such appeal is filed, the same shall be dealt with by the District Collector, Visakhapatnam, instead of the 1st respondent. To facilitate the petitioners to file such an appeal and to protect their interests meanwhile, the judgment under revision is suspended for a period of one month.

4. The civil revision petition is disposed of, accordingly.

5. As a sequel to the disposal of the civil revision petition, I.A.No.1 of 2018 stands disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Date: 05th October, 2018

msb

