

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Civil Revision Petition no.6982 of 2018

ORDER:

I have heard the submissions of *Sri S Subba Reddy*, learned counsel appearing for the petitioner/ JDr; and, of *Sri T.C.Krishnan*, learned counsel appearing for the respondent/ DHr.

2. In this Civil Revision Petition, filed under Article 227 of the Constitution of India, the grievance of the revision petitioner is this: 'He is the unsuccessful respondent in R.C.C.no.6 of 2016. When he preferred an appeal, the appeal was not registered as there is a defect in the memo of costs mentioned in the decree. Therefore, he filed a petition before the Court of the learned Principal Junior Civil Judge-cum-Rent Controller, Tirupathi, for amendment of the decree. The said application is not being disposed of promptly by the Court below. In the meanwhile, the respondent/ landlord filed an execution petition for delivery of the property and a delivery warrant has been issued. In the said circumstances, he is constrained to file the present revision seeking a direction to the learned Rent Controller for expeditious disposal of I.A.no.188 of 2018 filed for amendment of the decree in R.C.C.no.6 of 2016 on the file of the Principal Junior Civil Judge-cum-Rent Controller, Tirupathi.'

3. The fact that there is a mistake in the memo of costs mentioned in the decree and that the decree required an amendment and that in the said circumstances, the appeal preferred by the petitioner herein was returned for re-presentation along with amended copy of the decree is not in dispute. It is also not in dispute that a delivery has been ordered in the execution petition filed by the respondent/ landlord and that the delivery warrant could not be executed and was returned unexecuted and that further steps in the execution petition are in progress.

4. When the revision came up for admission, on 30.11.2018, interim stay orders were granted by this Court for a period of two weeks.

5. Having regard to the facts & submissions, this Civil Revision Petition is disposed of directing the learned Principal Junior Civil Judge-cum-Rent Controller, Tirupathi, to dispose of I.A.no.188 of 2018 in R.C.C.no.6 of 2016, filed for amendment of the decree, within two weeks from the date of receipt of a copy of this order; and, furnish amended copy of the decree to both the sides as per procedure. To meet the ends of justice and evenly balance the interests of both the parties, the interim stay orders, which were granted, on 30.11.2018, for a period of two weeks shall be in force till 30.12.2018 to enable the petitioner herein to obtain the amended copy of the decree and re-present the appeal before an appropriate Forum.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

06th December, 2018

Note:- Issue CC by 10.12.2018
(B/ o)
RAR

M. SEETHARAMA MURTI, J