

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.6749 of 2017

O R D E R

The petitioner in this revision under Article 227 of the Constitution is the appellant in A.S.No.147 of 2017 on the file of the learned Chairman, L.R.A.T.-cum-II Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar. The said appeal was preferred by the petitioner aggrieved by the judgment and decree of the learned II Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, in O.S.No.2360 of 2011 directing delivery of vacant physical possession of the suit property by the petitioner to the respondents within a time frame apart from payment of damages. I.A.No.860 of 2017 was filed by the petitioner/appellant in his appeal seeking suspension of the judgment and decree under appeal. By the docket order dated 11.10.2017, the appellate Court took note of the agreement between the parties that an amount of Rs.9,000/- per month should be paid from November, 2017, to the respondents, being the rent of October, 2017. The payments were directed to be continued till the disposal of the appeal. Subject to this condition, stay was granted as prayed for.

While so, the petitioner/appellant would now contend before this Court that there was no basis to arrive at the amount of Rs.9,000/- per month and that the Court below erred in directing such payment on a monthly basis pending the appeal.

Sri Y.Ramatirtha, learned counsel for the petitioner/appellant, would contend that his client never agreed to this figure.

However, the docket order dated 11.10.2017 bears out that this amount was agreed upon by and between the parties across the bench.

Sri A.Venkatesh, learned counsel for the respondents, would state that the order was passed with the consent of both parties.

That being so, this Court cannot sit in appeal over what is apparently a consent order. In the event the Court below recorded the admission or consent of a party wrongly, the remedy is not by way of revision.

The civil revision petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date:23.02.2018
PGS

SANJAY KUMAR, J

