

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**CIVIL REVISION PETITION No.7539 of 2017****ORDER:**

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed questioning the Order in I.A.No.1345 of 2017 in O.S.No.224 of 2017 passed by II Additional District Judge, Vijayawada, dt. 27.10.2017, whereby the Court while granting interim stay issued direction to pay arrears of rent on or before 15.11.2017 before the trial Court with a condition that in the event of failure to deposit the said amount, the stay would get automatically vacated and on such deposit, the respondent is entitled to withdraw the amount without furnishing the security.

The Order dt. 27.10.2017 passed by the trial Court is assailed before this Court on the ground that the petitioner has not complied with the direction to deposit the rent at Rs.11,520/- as determined by the trial Court vide issue Nos. 3 and 4 and requested this Court to set aside the Order passed by the trial Court.

During hearing, it is brought to the notice of this Court that the petitioner had already filed a petition to vacate the interim order for non-compliance of the direction issued by the Court and it is pending for adjudication before the District Judge.

When the Order itself is sufficient that in case of failure to comply the direction, the stay granted by the Court would get automatically vacated and therefore, there is no need to approach this Court by filing Civil Revision Petition under Article 227 of the Constitution of India and at best, the respondent did not comply the direction, the petitioner therein can file appropriate application for executing the warrant in view of the deemed vacation of interim stay,

but the petitioner herein already filed an application to vacate or modify the interim order passed by the Court, which is impugned in this Petition, and it is pending for adjudication.

As the Petition filed by the petitioner is pending before the District Judge, there is no need to pass any order in the present Petition. However, II Additional District Judge, Vijayawada, is directed to dispose of the petition for vacation or modification of the Order dt. 27.10.2017 within a period of One (01) month from the date of receipt of a copy of this Order.

With the above direction, this Civil Revision Petition is disposed of. As a sequel, miscellaneous Petitions, if any, shall stand closed.

Date: 15-11-2018
eha

M. SATYANARAYANA MURTHY, J



THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.7539 of 2017

Dt. 15-11-2018

cha

