

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

C.R.P.No.5036 of 2011

Date : 29-2-2012

Between:

Kodali Lakshmi Kanta Rao

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Petitioner

And

Kodali Ramasastry Educational Agency,

(Single Man Management),

Manager and Correspondent of the

Aided Elementary School (KS) Kothapeta,

Bhattiprole village and Mandal,

Guntur District and others

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Respondents

Counsel for petitioner : Sri V.V.L.N. Sarma

Counsel for respondent No.1 : Sri J. Ugranarasimha

Counsel for respondent Nos.2 to 5 : --

The Court made the following:

**ORDER:**

Judgment-debtor No.3 in O.S.No.9/2008 on the file of the learned Senior Civil Judge, Repalle filed this Civil Revision Petition against the order dated 24-10-2011 in E.P.No.28/2011 in O.S.No.9/2008.

The suit filed by respondent No.1 for mandatory injunction for handing over the records relating to respondent No.1-Educational Institution was decreed on 30-12-2010. As the petitioner failed to comply with the said Judgment and decree, respondent No.1 filed E.P.No.28/2011 under Order XXI Rule 32(1) & (5) of the Code of Civil Procedure, 1908 (for short "the Code") to commit the Judgment-debtors to civil prison. The petitioner contested the E.P. By order dated 24-10-2011, the lower Court has allowed the E.P. Feeling aggrieved thereby, the petitioner filed the present Civil Revision Petition.

At the hearing, Sri V.V.L.N. Sarma, learned counsel for the petitioner, advanced the contention that the Appeal filed by his client against the Judgment and decree is pending

and no interim order has been passed so far in view of pendency of the application filed for condonation of delay in filing the said Appeal.

Sri J. Ugra Narasimha, learned counsel for respondent No.1, submitted that the petitioner contested the E.P. on merits and mere pendency of the Appeal in the absence of an interim order made therein does not constitute a ground for the petitioner to defy the Judgment and decree and refuse to handover the files.

A perusal of the proceedings sheet shows that this Court has granted interim stay on 18-11-2011. The learned counsel for the petitioner submitted that if reasonable time is permitted to his client, he will make all-out efforts to see that an appropriate order is passed in the pending Appeal. Since the order of the lower Court is stayed for more than two months, I find it appropriate that status quo as on today shall be maintained for a period of one month to enable the petitioner to pursue his remedy before the lower Appellate Court in the proceedings stated to be pending against the Judgment and decree of the trial Court. Liberty is given to the petitioner to seek expeditious disposal of the interim applications, if any filed by him before the lower Appellate Court. If such a request is made, I am sure the lower Appellate Court will sympathetically consider the same and pass appropriate orders after hearing the respondents.

In the result, the Civil Revision Petition is disposed of

by continuing the interim order dated 18-11-2011 for a period of one month.

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Justice C.V. Nagarjuna Reddy

Date : 29-2-2012

Note: Furnish copy by 5-3-2012

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