
(1993) 08 AP CK 0012

In the Andhra Pradesh High Court

Case No : Civil Revision Petition No. 3875/91

Shree Vallabh Glass Works Limited and Another

APPELLANT

Vs

P. Andaleswaramma

RESPONDENT

Date of Decision : 16-08-1993

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115

Sick Industrial Companies (Special Provisions) Act, 1985 — Section 22

Citation : (1993) 3 ALT 74

Hon'ble Judges : S.V. Maruthi, J

Bench : Single Bench

Advocate : A. Veeraswamy and Mavidi Rama Rao, for the Appellant; V.S.R. Anjaneyulu, for the Respondent

Final Decision : Dismissed

Judgement

S.V. Maruthi, J.—The Civil Revision Petition is filed against the order of the Principal Subordinate Judge, Vijayawada passed in IA No.4773/91 in RC CMA. No.89/90. The tenants are the revision petitioners. The land-lord respondent filed a petition for eviction on the ground of default in payment of rents. The Rent Controller allowed the petition. Against that order, the tenants filed an appeal before the Subordinate Judge, Vijayawada. Pending disposal of the appeal, they filed IA.No. 4773/91 for stay of eviction. That petition was dismissed by the Subordinate Judge. Against that order, the present revision petition was filed.

2. The main ground on which the stay of eviction was prayed before the learned Subordinate Judge, was that the petitioner-company was declared as a sick company and therefore, no eviction can be ordered in view of Section 22 of the Sick Industrial Companies (Special Provisions) Act 1 of 1986. The learned Subordinate Judge rejected the plea on the ground that the said Act is not applicable to the eviction proceedings under the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act.

3. It is now conceded by the learned counsel for the petitioners that in view of

the judgment of the Supreme Court reported in Shree Chamundi Mopeds Ltd. Vs. Church of South India Trust Association CSI Cinod Secretariat, Madras, the learned Subordinate Judge, is right in holding that Act 1/86 is not applicable to the proceedings under the Rent Control Act. I may refer to the observations made by the learned Judges which are to the following effect:-

"The words "or the like" have to be construed with reference to preceding words, namely, "for execution, distress" which means that the proceedings which are contemplated in this category are proceedings whereby recovery of dues is sought to be made by way of execution, distress or similar process against the property of the company. Proceedings for eviction instituted by a landlord against a tenant who happens to be a sick industrial company, cannot be regarded as falling in this category. The Act has been enacted to make special provisions with a view to securing the timely detections of sick and potentially sick companies owing industrial undertakings, the speedy determination by a Board of Experts of the preventive, ameliorative, remedial and other measures which need to be taken with respect to such companies and the expeditious enforcement of the measures so determined."

In view of the observations of the Supreme Court referred to above, I hold that Section 22 of Act 1 /86 is not applicable to eviction proceedings under the Rent Control Act. The Subordinate Judge is right in dismissing the application filed by the petitioners for stay of execution pending disposal of the appeal. There are no merits in the Civil Revision Petition. It is, therefore, dismissed. No order as to costs. The learned Subordinate Judge, is directed to dispose of the Civil Miscellaneous Appeal within two months from to-day.