

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.3181 of 2015

ORDER:

This civil revision petition is filed by the petitioners— Judgment Debtors under Section 115 of the Code of Civil Procedure aggrieved by non-passing of orders in E.A. No.90 of 2015 in E.P. No.44 of 2015 on the file of the Principal Senior Civil Judge Court, Mancherial.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the respondent herein filed O.S. No.55 of 2013 on the file of Principal Senior Civil Judge Court, Mancherial against the petitioners herein for declaration of title, recovery of possession and mandatory injunction in respect of suit scheduled property. The trial court passed *ex parte* decree in O.S. No.55 of 2013 on 22.9.2014. The respondent filed E.P. No.44 of 2015 for execution of the *ex parte* decree. The petitioners herein have filed I.A. No.530 of 2015 to set aside the *ex parte* judgment and decree passed on 22.9.2014. The petitioners have also filed I.A. No.531 of 2015 to condone the delay of 275 days in filing I.A. No.530 of 2015. The petitioners have also filed E.A. No.90 of 2015 to stay all further proceedings in E.P. No.44 of 2015 in O.S. No.55 of 2013. The petitioners have filed the present civil revision petition for non-passing of the orders in E.A. No.90 of 2015.

4. At the time of arguments, learned counsel for both the parties, in one voice, submitted that the trial court may be directed to dispose of I.A. No.531 of 2015 and I.A. No.530 of 2015 in O.S. No.55 of 2013; and E.A. No.90 of 2015 in E.P. No.44 of 2015 in

O.S. No.55 of 2013 on merits.

5. Having regard to the facts and circumstances of the case and also the submissions made by the learned counsel for both the parties, I am not inclined to express any opinion with regard to the merits of the matter. The trial court is hereby directed to dispose of I.A. Nos.531 of 2015 and 530 of 2015 in O.S. No.55 of 2013, and E.A. No.90 of 2015 in E.P. No.44 of 2015 on or before 30.11.2015. There shall be interim stay of all further proceedings in E.P. No.44 of 2015 in O.S. No.55 of 2013 on the file of the Principal Senior Civil Judge Court, Mancherial, up to 30.11.2015 only.

6. With the above directions, the civil revision petition is disposed of. Miscellaneous petitions, if any pending in this civil revision petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 27.10.2015.

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