

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.129 of 2015

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ORDER :

This civil revision petition is filed under Section 115 of CPC, by the judgment debtors in O.S.No.121 of 2009 on the file of learned III-Additional Senior Civil Judge, Vijayawada, aggrieved by order dated 10th December 2014, passed in E.A.No.124 of 2014 in E.P.No.58 of 2012 in O.S.No.121 of 2009.

The petitioner-judgment debtors have filed application in E.A.No.124 of 2014 to set aside the auction of properties in execution proceedings, held on 24.06.2014. When the said application came up for hearing on 10.12.2014, on the ground that petitioners were called absent and there was no representation on their behalf, the petition was dismissed for non-prosecution.

Though the petitioners have questioned the order dated 10.12.2014, during the course of hearing, it is brought to the notice of this Court that they have already filed an application under Order 9 Rule 9 read with Section 151 C.P.C., seeking to set aside the order dated 10.12.2014, and to restore E.A.No.121 of 2014.

As much as the petitioners have already moved the trial Court in execution proceedings by filing petition to set aside the order dated 10.12.2014, this Court deem it

appropriate to dispose of this revision petition by directing the learned II-Additional Senior Civil Judge, Vijayawada, to take up the petition filed by the petitioner for setting aside the order dated 10.12.2014, and pass appropriate orders as expeditiously as possible, preferably within a period of three weeks from the date of receipt of this order.

Subject to above directions, the revision is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

23rd January 2015
ajr