

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION NO.1636 of 2015

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ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, challenging the order and decree dated 24.03.2015 passed in I.A.No.309 of 2015 in I.A.No.1915 of 2014 in A.S.No.97 of 2014 on the file of Principal District Judge at Khammam, whereunder and whereby the application filed to advance I.A.No.1915 of 2014 from 01.06.2015 to any other near date, was dismissed.

The petitioner herein filed A.S.No.97 of 2014 before the Principal District Judge, Khammam, questioning the correctness of the judgment and decree in O.S.No.480 of 2010 passed against him by the Senior Civil Judge, Khammam. In the said appeal he filed I.A.No.1915 of 2014 to grant stay of operation of the decree. After filing of counter by the 1st respondent/decreed holder, the matter was adjourned to 01.06.2015. Thereafter, the 1st respondent/decreed holder filed E.P.No.18 of 2015 before the Trial Court and obtained salary attachment order against the petitioner herein. Hence the petitioner/appellant filed the present application to advance I.A.No.1915 of 2014.

Much effort has been put by the learned Principal District Judge, Khammam in disposing of I.A.No.309 of 2015. Except in the exceptional cases, it is always the discretion of the Presiding Officer, subject to roster and the work load, either to advance a particular case or not. However, considering the fact that the petitioner pleads that his salary has been attached in the Execution Proceedings and much prejudice would be caused if I.A.No.1915 of 2014 is not considered, I deem it appropriate to direct the learned Principal District Judge, Khammam, to take up hearing of I.A.No.1915 of 2014 and pass appropriate orders in accordance with law, as expeditiously as possible.

With the above direction, the Civil Revision Petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

24th April, 2015

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