

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.849 of 2014

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ORDER:

The petitioners are stated to be the appellants in A.S.No.373/2010 on the file of the Court of the learned XI Additional District Judge, Gudivada. They are the defendants in O.S. No.123/2002 on the file of the Court of the learned Senior Civil Judge, Gudivada. The respondent herein filed the said suit for specific performance of agreement of sale dated 16.10.1998. The said suit was decreed on 18.03.2009. Against the said judgment and decree, the petitioners preferred A.S.No.373/2010. In the meanwhile, even before preferring the said appeal, the respondent herein filed E.P. No.68/2009, and the learned Senior Civil Judge, Gudivada, allowed the said E.P. by order dated 17.07.2012. Thereafter, further steps were taken and the respondent herein filed non-judicial stamps also. For engrossing the sale deed on the non-judicial stamps, an order was passed on 19.02.2014. Challenging the same, the present Civil Revision Petition was filed.

Now, the learned counsel for respondent submits that A.S.No.373/2010 was dismissed on 10.07.2015, and by virtue of the stay granted by this Court in the present C.R.P, the lower Court has not taken further steps in the matter.

The lower Court allowed the E.P. on 17.07.2012 holding that mere filing of A.S.No.373/2010 is not a ground to stay or to stop the execution of the decree. The decree holder has already deposited the balance amount of sale consideration on 20.03.2008 and further steps were taken after allowing the E.P. on 17.07.2012.

In the circumstances, there is no ground to interfere with the docket order dated 19.02.2014, and this Civil Revision Petition is accordingly dismissed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

22.12.2015

MVA