

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.4142 of 2015

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01.10.2015

Between:

Kanneganti Narasimha Rao

...Petitioner

And

Kommi Subba Rao

...Respondent

Counsel for the petitioner: Mr.P.Roy Reddy

Counsel for the respondent: --

The Court made the following:

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ORDER:

This civil revision petition arises out of order, dated 24.08.2015, in E.A.No.416 of 2014 in E.P.No.190 of 2011 in O.S.No.330 of 2006 on the file of learned IV Additional Senior Civil Judge, Guntur.

The respondent filed the aforementioned suit for recovery of money based on an alleged promissory note against the petitioner. Though the petitioner contested the suit, as he failed to appear at the subsequent stage of the suit proceedings, an *ex parte* decree was passed against him. Seeking setting aside of the *ex parte* decree, the petitioner filed I.A.No.524 of 2013 along with an application for condonation of delay. The delay was condoned. While the application for setting aside the *ex parte* decree was pending, the petitioner filed E.A.No.416 of 2014 seeking stay of E.P.No.190 of 2011 in O.S.No.330 of 2006 filed by the respondent for execution of the *ex parte* decree. This application has been allowed by the lower Court subject to the petitioner depositing half of the E.P. amount on or before 28.09.2015. Feeling aggrieved by this condition, the petitioner filed this revision petition.

After hearing Mr.P.Roy Reddy, learned counsel for the petitioner, I am of the opinion that the lower Court is vested with discretion to stipulate such conditions as it finds reasonable to stay execution of the *ex parte* decree. As the petitioner suffered a money decree albeit an *ex parte* one, the discretion exercised by the lower Court to direct the petitioner to deposit half of the E.P. amount cannot be said to be unsound or unreasonable. Hence, I do not find any reason to interfere with the order of the lower Court. As the time stipulated by the lower Court for deposit of half of the E.P. amount by the petitioner has expired on 28.09.2015, the same is extended by one month from today.

Subject to the extension of time as above, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.5496 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

(C.V.NAGARJUNA REDDY, J)

01st October, 2015

GHN