

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.1104 of 2014

ORDER :

This Civil Revision Petition, under Section 115 of C.P.C., is filed by the petitioner/judgment debtor aggrieved by the order dated 02.04.2014 in I.A.No.49 of 2014 in C.M.A.No.8 of 2013, passed by the learned XV Additional District and Sessions Judge, Nuzvid, Krishna District, dismissing the application filed under Order 21, Rule 5 and Section 151 of C.P.C., seeking to stay all further proceedings in E.P.No.32 of 2010 in O.S.No.141 of 2005, dated 29.4.2013, passed by the learned Senior Civil Judge, Nuzvid.

2. In the aforesaid execution proceedings, the property of the petitioner/judgment debtor was sold, which is claimed to have purchased by the respondent/decreed holder in the auction held on 8.11.2011, being the highest bidder for Rs.4,05,000/-. Questioning the very sale, when E.A.No.33 of 2013 in E.P.No.32 of 2010 filed by the petitioner/judgment debtor under Order 21 Rule 90 of C.P.C., seeking to set aside the sale was dismissed on 29.4.2013, the petitioner/judgment debtor filed C.M.A.No.8 of 2013 on the file of the XV Additional District and Sessions Judge, Nuzvid, Krishna District. Pending the appeal, I.A.No.49 of 2014 in C.M.A.No.8 of 2013 filed by the petitioner/judgment debtor under Order 21, Rule 5 and

Section 151 of C.P.C., seeking to stay all further proceedings in E.P.No.32 of 2010 in O.S.No.141 of 2005, was dismissed by the lower appellate Court by order dated 02.04.2014. Hence, the present civil revision petition.

3. Heard learned counsel for the parties and perused the impugned order.

4. While ordering notice before admission, this Court, by order dated 10.4.2014, granted interim stay of all further proceedings in E.P.No.32 of 2010 in O.S.No.141 of 2005, dated 29.4.2013 and the said order continued till date. Since 10.4.2014, the petitioner/judgment debtor had the benefit of the said interim order. In view of the pendency of appeal before the lower appellate Court, I deem it appropriate to dispose of the civil revision petition with a direction to the lower appellate Court to dispose of C.M.A.No.8 of 2013 as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. Interim order dated 10.4.2014 shall continue till disposal of the appeal by the lower appellate Court.

5. Subject to the above direction, this civil revision petition is disposed of, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
27.02.2015.
Msr

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