

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION NO.1451 OF 2015

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ORDER:

This Civil Revision Petition is filed against the docket order, dated 09-02-2015 in E.P.No.82 of 2013 in O.S.No.526 of 2001 on the file of the I Additional Senior Civil Judge, R.R. District at L.B.Nagar.

2. Petitioners herein are the judgment debtors, whereas the respondent herein is the decree holder.

3. Respondent herein filed the above Execution Petition under Order XXI Rule 54 of the Code of Civil Procedure, 1908 to attach immovable property of J.Dr.No.2 mentioned in the petition schedule property. The trial Court allowed the petition and issued warrant of attachment over the schedule property. Aggrieved thereby, the present revision is filed by the J.Drs.

4. As seen from the record, it is clear that the suit was filed for recovery of money and the same was decreed on 30-08-2011 for a sum of Rs.3,54,732.14 ps together with future interest at 12% p.a. from the date of filing of the suit till the date of decree on Rs.2,40,000/- and thereafter at 6% p.a., till the date of realization along with costs. Challenging the same, the petitioners herein filed A.S.No.352 of 2012 before this Court and this Court by order, dated 20-05-2012 in A.S.M.P.No.1040 of 2010 granted stay on condition of petitioners depositing half of the decretal amount with suits costs within a period of six weeks from the date of order. The petitioners failed to comply with the order. As the petitioners failed to deposit the amount and as there is no stay of execution of decree, the respondent herein filed the above Execution Petition and the same was allowed as stated above.

5. Learned counsel appearing for the petitioners herein submits that though the petitioners could not deposit the amount within six weeks time as granted by this Court vide order, dated 20-06-2012 in A.S.M.P.No.1040 of 2010, now they are in a position to deposit

the same and in view of the same, the order of the trial Court in E.P.No.82 of 2013 shall be set aside. I am not impressed with the said argument as the present revision arises out of order passed in E.P., dated 09-02-2015, which is a perfectly valid order. In the absence of stay not being in operation by virtue of default committed by the petitioners in depositing the amount, the Civil Revision Petition is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. However, the petitioners herein are at liberty to approach this Court in A.S.No.352 of 2012 with an appropriate application. No order as to costs. Miscellaneous petitions, if any pending in this revision shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 24-11-2015

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