

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2099 of 2015

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ORDER :

Heard learned counsel for the parties.

This civil revision petition is filed by the judgment-debtor in O.S.No.513 of 2014 on the file of VII-Senior Civil Judge, City Civil Court, Hyderabad, aggrieved by order dated 27.04.2015, passed in E.P.No.42 of 2015 in the said suit.

By the aforesaid impugned order, the executing Court has issued delivery warrant against the judgment-debtor to break open the lock of the E.P. schedule property.

In this civil revision petition, it is the case of petitioner that the decree passed in O.S.No.513 of 2014 for declaration and recovery of possession is an exparte decree and the petitioner has filed two applications, one for setting aside the exparte decree and the other one for condoning the delay in filing the said set aside petition and the same are pending consideration in I.A.Nos.1969 and 1970 of 2015.

With regard to the petitions pending in I.A.Nos.1969 and 1970 of 2015, it is for the civil Court to consider the same on merits. Therefore, I deem it appropriate to allow this civil revision petition by setting aside the impugned order dated 27.04.2015 in E.P.No.42 of 2015 and direct

the learned VII-Senior Civil Judge, City Civil Court, Hyderabad, to dispose of the interlocutory applications in I.A.Nos.1969 and 1970 of 2015 and pass appropriate orders as expeditiously as possible. Thereafter, it is left open to the trial Court to pass orders afresh in E.P.No.42 of 2015, subject to orders to be passed in I.A.Nos.1969 and 1970 of 2015.

This revision petition is allowed subject to the above directions. No costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

24th July 2015

ajr