

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.3982 OF 2015

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by the plaintiffs in O.S.No.534 of 2007 on the file of II Additional Chief Judge, City Civil Court, Hyderabad, aggrieved by the order, dated 02.04.2015, passed in I.A.No.1421 of 2014 in I.A.No.304 of 2009 in the said Suit.

Petitioners filed the aforesaid Suit for partition and separate possession of the suit schedule property and the same was decreed *ex parte*. To set aside the same, respondent No.1 – defendant No.5 has filed I.A.No.2577 of 2008 and the same was dismissed for non-prosecution. To restore I.A.No.2577 of 2008, respondent No.1 has filed I.A.No.1927 of 2012 along with a condone delay petition. Though the condone delay petition was allowed, I.A.No.1927 of 2012 is still pending consideration. In the meanwhile, petitioners filed I.A.No.304 of 2009 for partition of the suit schedule property, in which, the Court below has appointed an Advocate Commissioner. To stay the execution of warrant issued by the Advocate Commissioner till the disposal of I.A.No.1927 of 2012, respondent No.1 has filed I.A.No.1421 of 2014. The Court below, by impugned order, dated 02.04.2015, has allowed such application granting stay till disposal of I.A.No.1927 of 2012.

In this revision petition, it is contended by the learned counsel for petitioners that respondent No.1 is unduly delaying the matter in order to protract the litigation and is filing petition after petition, but at the same time, it is to be noticed that I.A.No.1927 of 2012 filed to restore I.A.No.2577 of 2008 is still pending consideration. Therefore,

in view of the pendency of I.A.No.1927 of 2012, this Court is of the view that the Court below has rightly allowed I.A.No.1421 of 2014 by granting stay of execution of the warrant by the Commissioner till the disposal of I.A.No.1927 of 2012 and there is no merit in this revision petition, so as to interfere with the impugned order.

Accordingly, the revision petition is dismissed. However, as I.A.No.1927 of 2012 is pending consideration for a long time, there shall be a direction to the learned II Additional Chief Judge, City Civil Court, Hyderabad, to dispose of the said I.A. as expeditiously as possible, preferably within a period of three (3) months from today.

Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. No costs.

R. SUBHASH REDDY, J

October 01, 2015

MD