

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.213 of 2015

ORDER:

This revision is filed against order dated 23.01.2015 in I.A.No.17 of 2015 in A.S. No.19 of 2015 on the file of VI Additional District Judge, Siddipet, Medak District.

2. Revision petitioner herein is appellant in A.S.No.19 of 2014 which is preferred challenging the decree in O.S.No.80 of 2014 dated 24.12.2013, and in the said appeal, revision petitioner herein filed petition under Order XLI Rule 5 of CPC for stay of execution of decree and appellate Court dismissed the said application. Aggrieved by which, present revision is preferred.

3. Heard both sides.

4. I have perused the material papers including the decree granted by trial Court in O.S.No.80 of 2014. The suit is filed for declaration and recovery of possession and the trial Court granted decree including recovery of possession. Challenging the same, appeal is preferred by defendant, which is a statutory right. During pendency of appeal, he prayed for stay of execution of the decree, particularly, as there is decree for recovery of possession. First appellate Court dismissed the application on the ground that it would cause prejudice to respondent/decreed holder.

5. As per the submissions of both sides, cross appeal i.e., A.S.No.22 of 2014 is also filed by plaintiff and the same is also pending before the same Court.

6. After hearing both sides, I feel instead of deciding this matter on merits by directing the lower Court to dispose of both

appeals i.e., appeal and cross appeal within a stipulated time and decide the same on merits, this revision can be disposed of to meet ends of justice.

7. For these reasons, while setting aside impugned order dated 23.01.2015 in I.A.No.17 of 2015 in A.s.No.19 of 2014, lower appellate Court is directed to dispose of A.S.Nos.19 of 2014 and 22 of 2014 within three (03) months from the date of receipt of this order, and till disposal of the appeals, there shall be stay of execution.

8. Accordingly, this Civil Revision Petition is disposed of. No costs. Miscellaneous petitions, if any pending, in this revision petition shall stand closed.

S. RAVI KUMAR, J

Date: 24.03.2015

Note : C.C. two days.

B/o

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