

THE HON'BLE SRI JUSTICE K.C.BHANU

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CIVIL REVISION PETITION No.1475 OF 2015

ORDER:-

The Civil Revision Petition is directed against the order, dated 16.6.2014, in I.A.No.52 of 2014 in unnumbered A.S. of 2014 on the file of the X Additional District Judge, Gurazala, Guntur District, whereunder and whereby, petition filed by respondent herein/defendant under Order XLI Rule 5 C.P.C. to stay all further proceedings of the judgment and decree, dated 29.8.2012, in O.S.No.204 of 2008 on the file of the Senior Civil Judge, Gurazala including the proceedings in I.A.Nos.1253 and 1254 of 2012 in O.S.No.204 of 2008, was ordered granting stay as prayed for.

2. Petitioner No.1 herein/plaintiff, during her life time, filed the aforementioned suit against the respondent herein/defendant for partition of the plaint schedule properties with metes and bounds into two equal shares and to allot one such share to her and for costs of the suit, and the same was decreed on 29.8.2012. In pursuance of the said decree, the plaintiff filed I.A.Nos.1253 and 1254 of 2012 in O.S.No.204 of 2008 for passing the final decree and to appoint an Advocate Commissioner to decide the shares of the parties, as per the said preliminary decree. The defendant was set *ex parte* in I.A.Nos.1253 and 1254 of 2012. The defendant preferred an appeal on the file of the X Additional District Judge, Gurazala, Guntur District with delay. The defendant also filed I.A.No.52 of 2014 in unnumbered A.S. of 2014 to stay the execution of the judgment and decree, dated 29.8.2012, in O.S.No.204 of 2008, and the same was ordered on 16.6.2014 by granting stay as prayed for. Aggrieved by the said order, legal heir of the deceased sole plaintiff filed the present Civil Revision Petition.

3. Heard both sides.

4. Learned counsel for both the parties stated that a direction may be given to the first appellate Court to dispose of the unnumbered A.S. of 2014 along with all the interlocutory applications pending on its file on or before 30.6.2015.

5. Recording the said submission, the learned X Additional District Judge, Gurazala is directed to dispose of unnumbered A.S. of 2014 along with all the pending interlocutory applications on or before 30.6.2015 after giving reasonable opportunity to both the parties.

6. With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE K.C.BHANU

Date: 24.4.2015

AMD

THE HON'BLE SRI JUSTICE K.C.BHANU

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