

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.2428 of 2016

ORDER:

Heard counsel for petitioner.

2. The revision is directed against order dated 06.03.2016 in EA.No.627 of 2016.

3. The executing Court stayed further proceedings in EP.No.354 of 2012 till the disposal of IA.No.598 of 2014. The revision petitioner is the plaintiff/decreed holder. On 20.01.2009, O.S.No.104 of 2009 was decreed *ex parte*. The respondent filed IA.No.598 of 2014 to condone the delay along with an application to set aside the *ex parte* decree and restore the suit to file. When these applications were pending, the revision petitioner has taken steps for arrest of respondent. Hence, the respondent was constrained to file EA.No.627 of 2014.

4. With the assistance of learned counsel for petitioner, I have perused the order impugned in the revision, particularly, the point framed for consideration, the discussion and the final conclusion reached by the executing Court.

5. *Prima facie*, this Court is of the view that no exception to the order of stay granted by the executing Court can be taken.

What is required to be noted is that the executing Court while granting stay ought to have considered taking up and disposing of IA.No.598 of 2014 or other application pending for setting aside the *ex parte* decree. The order now passed considers the grievance of the judgment debtor alone but not that of the revision petitioner. Hence, while confirming the order under revision, this Court directs the learned Additional Senior Civil Judge, Kurnool to dispose of IA.No.598 of 2014 and the connected IA's within eight (8)

weeks from the date of receipt of a copy of this order.

The civil revision petition is disposed of with the above direction. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

June 24, 2016
DSK

S. V. BHATT, J