

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.1761 of 2016

ORDER :

This revision is preferred questioning order dated 26.02.2016 in I.A.No.1786 of 2015 in A.S.No.78 of 2015 on the file of II Additional District Judge, Kadapa at Proddatur, whereunder 1st appellate Court granted stay of operation of the decree and judgment in O.S.No.60 of 2002 on the file of Principal Junior Civil Judge, Proddatur.

2. The revision petitioners herein filed O.S.No.533 of 2006 seeking cancellation of ex parte decree dated 11.03.2002 in O.S.No.60 of 2002 and for consequential permanent injunction. The trial Court on a consideration of material evidence, decreed the suit O.S.No.533 of 2006 declaring that the decree dated 11.03.2002 in O.S.No.60 of 2002 on the file of Principal Junior Civil Judge, Proddatur, is null and void and granted consequential permanent injunction in favour of revision petitioners-association restraining the defendants, their men in any way interfering with the peaceful possession and enjoyment of plaintiffs. Respondents herein preferred appeal to the District Court, Kadapa at Proddatur, and in that appeal they filed I.A.No.1786 of 2015 seeking suspension of the decree passed in O.S.No.533 of 2005 and the appellate Court granted suspension of execution of decree in O.S.No.533 of 2006 for a period of two months. Questioning the same, present revision is preferred.

3. Heard both sides.

4. Advocate for revision petitioners submitted that though the stay was granted upto 27.04.2016, subsequently it was extended and on account of stay granted by the 1st appellate Court, construction process is stalled. He submitted that the revision petitions are ready to give an undertaking that they would not claim any equities and the construction would be made subject to the result of A.S.No.78 of 2015 and filed affidavit of the party giving such undertaking.

5. Advocate for respondents submitted that let the appeal be decided at an early date and by fixing some time schedule for disposal of the appeal, undertaking affidavit can be accepted and the interim suspension granted by the 1st appellate Court can be set aside.

6. Advocate for revision petitioners submitted that they have no objection to proceed with the appeal, but some reasonable time may be fixed.

7. Considering the submissions of both sides and considering the undertaking affidavit given by one of the revisions petitioners i.e., President of M.G.Auto Nagar Association, the impugned order dated 26.02.2016 in I.A.No.1786 of 2015 in A.S.No.78 of 2015 is set aside and the 1st appellate Court is directed to dispose of the appeal as expeditiously as possible preferably within a period of six months from the date of receipt of this order in accordance with law.

8. Accordingly, this revision is allowed.

9. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

22nd June 2016.

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