

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

C.M.A.M.P.No.153 of 2015

and

CIVIL MISCELLANEOUS APPEAL No. 840 of 2014

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JUDGMENT:

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The Civil Miscellaneous Appeal is filed by the appellant/defendant against the order dated 04.07.2014 in I.A.No.1197 of 2013 in O.S.No.133 of 2010 on the file of the Senior Civil Judge, Mangalagiri, wherein the application filed by the appellant seeking to set aside the *ex parte* decree dated 29.06.2013 passed in the said suit, was allowed subject to the appellant depositing the entire decretal amount with the Court.

By an order dated 26.09.2014 in CMAMPNo.1337 of 2014, this Court, while ordering notice to the respondent/plaintiff, granted interim stay of all further proceedings including execution of the decree in the suit subject to the appellant depositing 1/4th of the decretal amount to the credit of the suit in the lower Court within four weeks. Thereafter, the appellant filed CMAMP No.1542 of 2014 with a prayer to extend the time granted in CMAMP No.1337 of 2014. The said petition was allowed on 05.12.2014 and the time granted earlier was extended by another four weeks and it was made clear that if the amount is not paid within four weeks, the stay granted stands vacated without any further orders and the respondent is entitled to get the decree executed. In spite of the same, again the appellant filed CMAMP No.153 of 2015 for extension of the time by four more weeks.

When the matter is taken up for hearing, the learned counsel for the appellant submits that in the connected civil miscellaneous appeals filed before this Court, extension of time sought for was not granted and the said CMAs were also dismissed by this Court.

Recording the submission made by the learned counsel for the appellant, both CMAMP No.153 of 2015 and the Civil Miscellaneous Appeal are dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending appeal shall stand closed.

A. RAJASHEKER REDDY, J.

5th February, 2016
cbs

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