

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No. 15 of 2016

Date :5.1.2016

Between :

P Hanumanthappa (Died)

Rep by his LRs

R/o 8th ward, Kalyandurg Town,
Anantapur district

Petitioners

And

T Anjinamma W/o T Thippeswamy

R/o Boyageri, Kalyandurg Village & Town
Anantapur district and others

Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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ORAL ORDER:

This revision is filed against the docket order dated 18.12.2015 in E.P. No. 19 of 2015 in O.S. No. 225 of 2003 passed by the Court of Junior Civil Judge, Kalyandurg, Anantapur district. Petitioners herein are defendants. The petitioner in E P made his submissions on 8.12.2015 and for argument on respondent side, matter was adjourned to 18.12.2015. On 18.12.2015, at the request of petitioners herein, matter was further adjourned to 7.1.2016. At this stage, this revision is filed.

2. Learned counsel for petitioners contend that the Court below ought not to have proceeded with hearing of the Execution Petition when the appeal filed by the petitioners against the decree is pending consideration before the Appellate Court.

3. As seen from the docket proceedings, the matter stands adjourned for making submissions on behalf of the petitioners herein. At this stage, this revision is filed seeking to restrain the Court below from proceeding further. It is not the case of the petitioners herein that Court below do not have jurisdiction to entertain the Execution Petition and admittedly no stay is granted by the lower Appellate Court in the appeal stated to have been filed by the petitioners against the decree. Therefore, this Court cannot entertain the revision and stall the proceedings before the Court below. Therefore, I do not see justification to entertain the revision at this stage. However, it is always open for the petitioners to raise all the submissions as available to them in law.

4. Accordingly, the revision petition is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 05.01.2016
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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