

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Civil Revision Petition No.1931 of 2016

ORDER:

This C.R.P. is filed against the order dated 21-03-2016 in EP.No.132 of 2015 in O.S.No.332 of 2009 on the file of Principal Senior Civil Judge, Karimnagar.

Heard learned counsel for the petitioners, who submits that against exparte judgment and decree, petitions for setting aside the same are filed in I.A.No.1070 of 2015 in O.S.No.332 of 2009 for condoning of delay condonation. Without considering the same, the Court below issued warrants.

Heard learned counsel for the respondents.

It is to be seen that the petitioners have not filed any counter affidavit before the Court below in E.P., though the matter is coming for counter from 14-10-2015. The Court below also observed that the petitioners are dragging on the matter and the decree is of the year 2010. The petitioners appear to be negligent in filing the counter before the Court below. As such, the Court below is justified in passing the order. However, since it is pleaded there is one time settlement between the petitioners and respondent and all these factors brought to the notice of the Court below, when I.A. is filed.

In view of the same, the impugned order is set aside on payment of costs of Rs.3,000/- (Rupees three thousand only) to be paid to the counsel for the respondent within a period of four (04) weeks from today and the Court below is directed to dispose of the E.P. as expeditiously as possible. The matter is remanded back to the Court below and it is open for the petitioners to bring all the facts by way of counter affidavit before the Executing Court within a period of eight (08) weeks from today and to take steps for disposal of I.A.No.1070 of 2015 and the Senior Civil Judge, Khammam is directed to dispose of the I.A.No.1070 of 2015 within a period of two months from the date of receipt of a copy of this order.

Accordingly, the Civil Revision Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending in this revision petition, shall stand closed.

A.RAJASHEKER REDDY,J

17-09-2016

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