

HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No:3648 OF 2016

ORDER:

1. Aggrieved by order dated 22.06.2016 passed in E.A.No.127 of 2016 in E.P.No.29 of 2013 in O.S.No.204 of 1981 by the Senior Civil Judge, Pithapuram, the present civil revision petition has been preferred.

2. The petitioner is a third party to the above E.P. Respondents 1 to 8 are the Decree Holders and respondents Nos.9 and 10 are the Judgment Debtors in the above E.P. The Decree Holders filed the above E.P. to register the plaint schedule property in the name of the 3rd plaintiff. During the pendency of the above E.P., the petitioner filed E.A.No.15 of 2015 under Section 47 of CPC contending that she is the 1/4th share holder in the schedule property, and the Decree holders cannot proceed in the E.P. against the entire property and they can proceed only against 1/4th share of the 9th respondent. The said E.A.No.15 of 2015 was dismissed by the learned Senior Civil Judge, Pithapuram. Aggrieved by the same, the petitioner filed CMA No.6 of 2016 before the XII Additional District Judge, Pithapuram along with an application to stay the proceedings in the above E.P. The said CMA and the stay application therein are pending. While so, the petitioner filed the impugned E.A., i.e., E.A No.127 of 2016 seeking to stay all further proceedings in the above E.P. The said EA was dismissed. Hence, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the order under revision. However, the learned XII Additional District Judge, Pithapuram is directed to dispose

of the CMA filed by the petitioner, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

5. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date: 10th August, 2016
Nn.

HONOURABLE SRI JUSTICE RAJA ELANGO

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10.08.2016

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