

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.2307 of 2016

ORDER:

This revision petition is filed under Article 227 of the Constitution of India seeking to direct the Court below to dispose of I.A.No.262 of 2011 in O.S.No.201 of 2007 expeditiously.

Vide the petition in C.R.P.M.P.No.2942 of 2016, petitioner seeks direction thereby granting stay of all further proceedings in execution of decree in E.P.No.66 of 2009 in O.S.No.201 of 2007 on the file of Senior Civil Judge, Bapatla, pending for adjudication.

Learned counsel appearing on behalf of the petitioner submitted that the respondent had filed O.S.No.201 of 2007 for recovery of amount of Rs.1,08,940/- against the pro-note amount of Rs.83,000/-. The same was decreed exparte vide order dated 18th March, 2009. Being aggrieved, petitioner filed I.A.No.262 of 2011 for setting aside the said exparte order along with an application seeking condonation of delay of 75 days and the said condonation application was allowed on 1st March, 2011 by the Court below.

Learned counsel appearing on behalf of the petitioner submitted that I.A.No.262 of 2007 is still pending, the respondent/plaintiff filed E.P.No.66 of 2009. The petitioner filed EA CFR No.698 of 2013 under Order 21 Rule 89 CPC before the trial Court and the same was rejected by order dated 14.03.2013. Aggrieved by the same, the petitioner filed C.R.P.No.1387 of 2014 before this Court. This Court granted stay on condition to deposit Rs.50,000/- and that the petitioner has complied with the same. Learned counsel further submitted that the petitioner has also filed C.M.A.No.13 of 21013 before this Court.

Learned counsel further submitted that the Court below directed to dispose of the schedule property, which is comprising of 242 sq. yards in Bapatla to recover an amount of Rs.1,08,940/- and that the said property has been sold for an amount of Rs.10,20,000/-. Since the possession of the said property is still with the petitioner, the property has not been handed over to the respondent. Learned counsel further asserted that I.A.No.262 of 2011 is still pending for setting aside the exparte order dated 18th March, 2009. However, the Court has proceeded further and put the property in auction and fetched an amount of Rs.10,20,000/- and that despite the written arguments filed in the said I.A., the trial Court not passed any orders and sold the suit property.

In view of the facts recorded above as narrated by learned counsel, I hereby direct the Court below to dispose of I.A.No.262 of 2011 within two weeks from the date of receipt of a copy of this order. Till then, no coercive steps shall be taken against the property in question.

Accordingly, the civil revision petition is disposed of. There shall be no order as to costs.

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

SURESH KUMAR KAIT,J

Date: 07.06.2015
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