

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION Nos.4218, 4222 & 4256 OF 2016

COMMON ORDER:

These three revision petitions, under Article 227 of the Constitution of India, are filed challenging the Order dated 18.03.2016 passed by the XXIV Additional Chief Judge, City Civil Court, Hyderabad, in E.A. Nos.40, 41 and 42 of 2015 in E.P. No.6 of 2015 in O.S. No.464 of 2009.

The revision petitioners filed petitions in E.A. Nos.40, 41 and 42 of 2016 for re-delivery, re-open and appointment of Advocate-Commissioner in E.P. No.6 of 2015 and those petitions were ordered by the executing court by Order dated 09.03.2015 subject to payment of costs of Rs.200/- and adjourned to 18.03.2016. On 18.03.2016 the petitioner did not pay the costs as directed by the Executing Court and there was no representation till 1.30 P.M. and thereby dismissed all the Execution Applications.

It is brought to the notice of this Court that on the same day the revision petitioners filed an affidavit before the Executing Court explaining the reasons for failure to comply direction including the pendency of transfer O.P.

However, it is a case involving huge property and in case the impugned order is not set aside, substantial injustice would be caused to either of the parties and with a view to adjudicate the matter finally on merits, I find that it is appropriate to issue a direction to the Executing Court to restore these three Execution Applications on payment of costs of Rs.500/- in each

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application to the respondents herein on or before 30.09.2016 and the executing court is further directed to fix a date for enquiry in the three applications and in the event of failure to get ready in the three applications by the revision petitioners herein. The court shall pass appropriate order in accordance with law.

With the above direction, these revision petitions are disposed of. No costs.

Miscellaneous petitions, if any, pending in these revision petitions, shall stand closed.

Date: 20.09.2016
BV

M. SATYANARAYANA MURTHY, J

