

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.1152 of 2016

ORDER:

This civil revision petition under Section 115 of the Code of Civil Procedure, 1908, is filed, by the 3rd respondent in E.P.No.232 of 2013 in O.S.No.271 of 2002, assailing the orders, dated 31.12.2015, of the learned Principal Junior Civil Judge, Tenali, passed in the said execution petition filed under Order XXI Rule 32 against the 2nd judgment debtor and the 3rd respondent/revision petitioner, who is stated to be 3rd judgment debtor.

At the hearing, Sri Gade Venkateswara Rao, learned counsel for petitioner, and Sri. Sai Gangadhar Chamarthi, learned counsel for the decree holder, submitted that subsequent to the filing of this revision petition, the petitioner herein filed an affidavit before the executing Court stating that on 04.03.2016, this Court, while granting the order of stay of arrest, directed the revision petitioner/3rd judgment debtor to file a sworn undertaking affidavit before the executing Court that he will not, in any manner, interfere with the possession and enjoyment of the decree schedule property by the decree holder and that he would abide by the decree in the suit, and that accordingly, an affidavit has been filed undertaking that he will not, in any manner, interfere with the possession and enjoyment of the decree schedule property by the decree holder and that he would abide by the decree, and that in that view of the matter, the CRP may be allowed and the order impugned in the revision may be set aside.

Recording the submissions of learned counsel for both the sides, the revision petition is allowed and the order impugned in the revision petition is

set aside, however, directing the revision petitioner to abide by his undertaking, which was given to the executing Court as directed in the orders dated 04.03.2016 of this Court. No costs.

Pending miscellaneous applications, if any, shall stand closed.

M.SEETHARAMA MURTI, J

30th November 2016

ajr

