

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.2130 OF 2017

ORDER:

Vide the present petition, the petitioner has challenged the order dated 20.12.2016 passed in I.A.No.1045 of 2016 in A.S.No.271 of 2016 by the III Additional District Judge, Guntur.

2. The above said I.A. has been filed by the first respondent under Order 41 Rule 5 of CPC before III Additional District Judge, Guntur, seeking stay of execution of the decree and judgment dated 09.08.2010 passed in O.S.No.469 of 2013 by the Principal Senior Civil Judge, Guntur.

3. Vide order dated 20.12.2016, the stay of execution of the decree and judgment dated 09.08.2016 was granted. Consequently, the present petition has been filed.

4. Learned counsel appearing on behalf of the respondents submits that an amount of Rs.3,59,000/- has already been deposited on 28.02.2017.

5. However, the learned counsel for the petitioner is not having any instruction.

6. Since the learned counsel for the respondents has made statement at Bar, and having proof of the same in his hand, there is no occasion to disbelieve the learned counsel

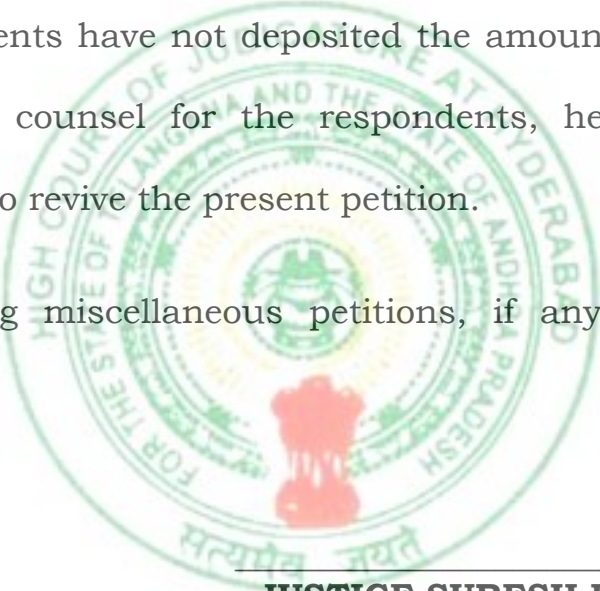
appearing before this Court, who is also an officer of the Court.

7. In view of the statement made by the learned counsel for the respondents, the present petition has become infructuous.

8. Accordingly, the Civil Revision Petition is dismissed as infructuous. There shall be no order as to costs.

9. I hereby make it clear that if the petitioner finds that the respondents have not deposited the amount as stated by the learned counsel for the respondents, he may file an application to revive the present petition.

Pending miscellaneous petitions, if any, shall stand closed.



JUSTICE SURESH KUMAR KAIT.

Date :27-04-2017

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