

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.3526 of 2017

ORDER:

Heard the learned counsel for the petitioner and Sri M.S.R. Subrahmanyam, learned counsel for respondents.

2. Petitioner is defendant in O.S.No.154 of 2012 which was filed by the respondent for recovery of money on the basis of a promissory note. Written Statement was filed by the petitioner opposing the suit claim.

3. Since the learned counsel for the petitioner did not appear in the case and since the petitioner could not give instructions since he was sick, the suit was decreed *ex parte* on 24-02-2015.

4. Petitioner filed I.A.No.2076 of 2015 before the Court below to set aside the *ex parte* decree passed against him and permit him to prosecute the suit.

5. The said application is pending on the file of the said Court.

6. Learned counsel for the petitioner contends that the respondent is insisting on proceeding with execution petition, that he is not cooperating for the disposal of I.A.No.2076 of 2015 and the Court below is adjourning the said I.A. without deciding it.

7. Learned counsel for the respondent, on the other hand, denied the above allegations and contended that the petitioner himself

is not proceeding with I.A.No.2076 of 2015 in O.S.No.154 of 2012 having filed it.

8. Having regard to the respective submissions, in order to avoid any controversy in the matter, the Senior Civil Judge, Narasapur, West Godavari District, is directed to decide I.A.No.2076 of 2015 in O.S.No.154 of 2012 on his file within four weeks from the date of receipt of a copy of this order positively and both parties are directed to cooperate with the said Court for disposal of the same. Pending disposal of the said I.A., proceedings for execution shall stand stayed.

9. Accordingly, the Civil Revision Petition is allowed. No costs.

10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 24-08-2017

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