

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.2025 OF 2017

ORDER:

This Civil Revision Petition is filed aggrieved by the order dated 03.03.2017 in E.A.No.2 of 2017 in E.P.No.137 of 2015 in O.S.No.1710 of 2013 on the file of I Senior Civil Judge, City Civil Court, Hyderabad.

E.A.No.2 of 2017 is filed under Order XXI Rule 26 of CPC for grant of stay of E.P. proceedings but the Court dismissed the same on the ground that the transferee Court cannot grant stay of execution relying on the decision reported in **Shaukat Hussain Alias Ali Khan and others v. Smt.Bhuvaneswar Devi (dead) by LRs¹**.

It is the contention of the petitioner that the property is coming up for attachment under Order XXI Rule 54 of CPC and she is going to perform the marriage of her daughter within a short time and expressed her readiness and willingness to deposit certain amount.

The Court can grant stay till the petitioner gets an appropriate order in the original Court on the petition filed to set aside the *ex parte* decree but the Court cannot grant stay *ad infinite*. Therefore, I find that it is a fit case to grant stay of execution of all further proceedings in O.S.No.1710 of 2013 for a period of two months subject to the deposit of 50% of decretal amount within four weeks from today. On such deposit, the executing Court shall keep the amount in a fixed deposit of any Nationalised Bank for a period of one year.

¹ 1973 AIR 528

With the above direction, the Civil Revision Petition is disposed of at the stage of admission itself. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

M. SATYANARAYANA MURTHY, J

JUNE 07, 2017
ssp

