

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION NO.5341 OF 2011

ORDER:

Heard learned counsel for the petitioner in the revision. This Court, while ordering notice before condoning the delay, since served with no representation, condoned the delay on 01.12.2011 and ordered notice before admission and while so, granted interim stay of arrest subject to condition of depositing 50% of decretal amount with costs and interest within eight weeks from 09.12.2011 and for any non-compliance, the stay order automatically ceases its force. The notice taken after delay condonation petition was allowed and on numbering of the revision petition was returned with endorsement of the respondent died. The said endorsement was even back dated 24.12.2011. Since then no steps taken have been taken by the revision petitioner (JDR) herein so far, to implead any of the legal representatives of the deceased – respondent decree holder. Hence, the interim stay is vacated and the revision is disposed of for nothing to keep pending though for bringing on LRs in an execution petition, Order XXII Rules 3, 4, 8 and 9 of CPC have no application, as per Order XXII Rule 12 CPC, however, it is not the execution petition but the civil revision petition to which said exemption has no application as once in the revision, the impleadment of the respondent's LRs is necessary and for not done so far for

no application even filed so far the civil revision is dismissed as abated. The trial court can proceed subject to any brining on record of LR's of the decree holder by said LR's and from any such order if aggrieved remedies under law needless to say left open.

2. Accordingly and in the result, this civil revision petition is dismissed. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

30.10.2017
SS

DR.B.SIVA SANKARA RAO, J

