

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 1773 of 2017

ORDER:

1) The present revision is filed under Section 115 of C.P.C., questioning the docket order dated 17.03.2017, passed in E.P.No.17 of 2015 in O.S.No.42 of 2002 on the file of the Senior Civil Judge, Piler, wherein an attachment warrant came to be issued against the petitioner.

2) The respondent/ plaintiff filed O.S.No.42 of 2002 for recovery of damages of Rs.4,40,000/- with interest and costs. On 07.06.2010 the said suit was decreed against the petitioner directing him to pay a sum of Rs.4,40,000/- with future interest at 12%p.a. thereon, from the date of suit till the date of decree and thereafter 6%p.a. till the date of realization. As no amount was paid by the petitioner, the respondent/ plaintiff filed E.P.No.17 of 2015 in the said suit. Meanwhile, the petitioner filed an application to set aside the exparte decree dated 07.06.2010 along with delay petition.

3) Learned counsel for the petitioner submits that an application vide I.A.No.672 of 2012 filed to condone the delay in filing an application to set aside the exparte decree dated 07.06.2010 is pending consideration, the trial Court ought not to have proceeded with E.P.

4) It is to be noted that in spite of a direction by this Court on 04.04.2017 for disposal of the said I.A., till date no orders are passed in the said I.A.

5) Learned counsel for the respondent would submit that the matter now stands posted to 31.08.2017 and a direction may be given to the trial Court to pass orders in the said application on the said date.

6) Having regard to the facts and circumstances of the case, the Senior Civil Judge, Piler, is directed to dispose of I.A.No.674 of 2012, filed by the petitioner, to condone the delay in filing an application to set aside the exparte decree and pass orders thereon before 31.08.2017, without fail. The interim stay granted by this Court on 04.04.2017, shall stands extended till 08.09.2017.

7) With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs.

8) Miscellaneous Petition, if any, pending in this Civil Revision Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

08.08.2017
gkv

