

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6117 of 2016

Order:

Aggrieved by the appointment of an Advocate-Commissioner in a final decree application pursuant to a decree for partition, the defendant in the suit has come up with the present revision.

2. Heard Mr. Ghantasala Udaya Bhaskar, learned counsel for the petitioner and Mr. T.Vishnu Teja, learned counsel for the 2nd respondent/decree-holder.

3. Admittedly, an application to condone the delay of 680 days in filing the regular appeal as against the preliminary decree for partition is now pending before the 1st Appellate Court. The statutory right of regular appeal cannot be defeated by completing everything in the final decree proceedings.

4. Therefore, the revision is disposed of directing the 2nd Additional District Judge, Vijayawada, to dispose of I.A.No.1739 of 2016 within a period of 3 (three) weeks from the date of receipt of a copy of this order. Suppose the application is allowed in favour of the petitioner, the petitioner shall move a stay petition in the regular appeal. Until then, no final decree may be passed. In case the application for condonation of delay is rejected, it may be open to the Trial Court to proceed further with the final decree application after 15 days of the disposal of the

condone delay application. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

17th February, 2017.
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