

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.954 of 2017

ORDER : (Oral)

Vide the present petition, petitioner seeks directions thereby to set aside the order dated 16th June 2016, passed in E.P.No.119 of 2015 in O.S.No.123 of 2014 on the file of Senior Civil Judge, Gurazala and allow E.A.No.33 of 2016.

2. The present petition is filed on the ground that the learned Judge erred in closing E.P.No.119 of 2015 in aforementioned suit without considering the stay application i.e. E.A.No.33 of 2016 and counter affidavit filed in E.P.No.119 of 2015 by the petitioner.

3. Notice issued. Learned Counsel Sri M.Naga Raju accepts notice on behalf of respondent and submits that let the impugned order be set aside on condition that the petitioner shall deposit an amount of Rs.1,00,000/- in addition to the suit costs of Rs.11,000/- or furnish bank guarantee for the said amount till E.A.No.33 of 2016 is decided by the Court below.

4. Keeping in view the fact that E.A.No.33 of 2016 filed by the petitioner has not been decided by the Court below and E.P.No.119 of 2015 has been closed vide order dated 16.06.2016 without considering the counter filed in the said E.P., I hereby quash the said order and direct the Senior Civil Judge, Gurazala to pass orders in E.A.No.33 of 2016 and shall also pass orders afresh in E.P.No.119 of 2015 after taking into consideration the counter affidavit filed in the said E.P. Till then, the order of salary attachment, dated 17.11.2015 shall remain suspended subject to condition that the petitioner

shall deposit an amount of Rs.1,00,000/- (Rupees One Lakh) in addition to the suit costs of Rs.11,000/-, or furnish bank guarantee for the said amount.

5. Accordingly, the revision petition is allowed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

10th March 2017

ajr

