

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.4688 of 2017

ORDER :

This Revision is filed challenging the order dt.24.04.2017 in I.A.No.290 of 2017 in A.S.No.13 of 2017 on the file of III Additional District Judge, Bhimavaram.

2. The petitioner herein is respondent in the said appeal and plaintiff in O.S.No.91 of 2011 on the file of I Additional Junior Civil Judge, Bhimavaram, out of which the said appeal arose.

3. The suit O.S.No.91 of 2011 had been decreed on 20.01.2017 and relief of mandatory injunction was granted to the respondent to remove sun-shade and compound wall within two months, as shown in the plaint plan which was erected by the respondent.

4. This was questioned in A.S.No.13 of 2017 by the respondent before the III Additional District Judge, Bhimavaram. The respondent also filed I.A.No.290 of 2017 seeking stay of execution of the said decree dt.20.01.2017 in O.S.No.91 of 2011.

5. After hearing the petitioner, stay was granted by the said Court on 24.04.2017.

6. Aggrieved thereby, the present Civil Revision Petition is filed by the petitioner.

7. The counsel for petitioner seeks to contend that the execution of the decree obtained by his client ought not to have been stayed by the III Additional District Judge, Bhimavaram, and that the intention of the respondent is to drag on the said Appeal.

8. Since the execution of relief of mandatory injunction granted by the Trial Court, if not stayed by the 1st appellate court, would render the very appeal infructuous, I find no error of jurisdiction in the order passed by the Court below in granting stay of execution of the decree in O.S.No.91 of 2011. I also do not agree with the counsel for petitioner that the respondent is trying to drag on the Appeal since the Appeal is of the year 2017.

9. I, therefore, do not find any merit in the Revision and it is accordingly dismissed at the stage of admission.

10. However, the III Additional District Judge, Bhimavaram shall attempt to dispose of A.S.No.13 of 2017 as expeditiously as possible.
No order as to costs.

11. As a sequel, miscellaneous petitions pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 15-09-2017
Ndr/*