

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.5421 of 2017

ORDER:

Aggrieved by the action of the First Appellate Court in granting an interim stay of further proceedings in execution, pending disposal of the Civil Miscellaneous Appeal arising out of the dismissal of a claim petition, the decree holder has come up with the above revision.

2. Heard C. Raghu, learned counsel for the petitioner.

3. The main grievance of the petitioner is that on a wrong representation as though no counter was filed, the First Appellate Court proceeded to grant stay, despite the petitioner already having filed a counter. According to the petitioner, even written arguments had been filed.

4. The grievance of the petitioner may be justified. But, today, if the revision is entertained, the disposal of the Civil Miscellaneous Appeal arising out of the claim petition may get prolonged. The trial Court even while granting stay, has directed, C.M.A.No.6 of 2016 to be posted for final hearing on 20-10-2017. Therefore, I do not wish to go into the correctness of the order of stay granted by the First Appellate Court, since the same may not be advantageous to the petitioner himself. It is more advantageous to the petitioner to have the C.M.A. disposed of.

Therefore, this Civil Revision Petition is dismissed. The I Additional District Judge, Krishna, Machilipatnam, may dispose of the C.M.A.No.6 of 2016 as indicated in the impugned order, after hearing the parties on 20-10-2017.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 13-10-2017

Ksn

