

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.4301 of 2016

ORDER:

This Civil Revision Petition is filed challenging the Order dt. 26.08.2016 in E.A.No.125 of 2016 in EP.No.25 of 2012 in O.SNo.142 of 2007 passed by the Senior Civil Judge, Repalle.

The petitioner/JDr filed petition under Order XXI Rules 26 and 29 CPC alleging that the respondent filed suit for recovery of an amount of Rs.1,89,816/- against the petitioner herein and obtained *ex parte* decree and thereafter, the petitioner filed I.A.No.247 of 2016 to set aside the decree along with petition to condone delay in filing application under Order 9 Rule 13 CPC. But, in the meanwhile, the respondent herein/DHR filed EP.No.125 of 2016 to realise the decretal amount by way of arrest under Order 21 Rules 37 and 38 CPC. As the EP is pending, the petitioner herein filed Petition under Order 22 Rules 26 and 29 CPC, to grant stay of all further proceedings till disposal of I.A.No.247 of 2016 filed before the Senior Civil Judge i.e., original Court and the same was dismissed by the trial Court for default. Aggrieved thereby, the present Civil Revision is filed on various grounds.

During hearing, learned counsel for the respondent herein/D.Hr brought to the notice of this Court that the trial Court dismissed I.A.No.247 of 2016 filed by the petitioner herein to stay all further proceedings in EP.No.24 of 2012 till disposal of I.A.No.247 of 2016 in O.SNo.142 of 2007 and therefore, the question of granting stay during pendency of I.A.No.247 of 2016 does not arise and therefore, the petition become infructuous virtually. Hence, I find no ground to restore the Petition in

EA.No.125 of 2016 in EP.No.25 of 2012, which was dismissed for default, in view of dismissal of I.A.No.247 of 2016.

Accordingly, the Civil Revision Petition is disposed of. No costs. As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 15-11-2018
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