

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION NO. 2036 OF 2018

ORDER:

Heard the learned counsel for the petitioner and the learned counsel appearing for the 1st respondent. The 2nd respondent, Judgment-Debtor is shown as not a necessary party.

2. The 1st respondent filed O.S.No.547 of 2013 on the file of the Court of the Principal Senior Civil Judge, Nellore for recovery of money on the basis of a promissory note. The said suit was initially dismissed by the learned Principal Senior Civil Judge, Nellore and when an appeal was preferred, the Judgment and Decree of the trial Court was reversed by Judgment and Decree dated 7.11.2016 and it has become final. Consequently, the Decree Holder filed E.P.No.3 of 2017 for execution of the decree and the Judgment-Debtor remained ex parte before the Trial Court, Appellate Court and in the E.P. proceedings. When the E.P. proceedings were pending, the petitioner filed E.A.No.317 of 2017 claiming right over the property. In the said application, another application was filed in C.F.No.2224 of 2018 seeking adjournment by 30 days and when the said application was dismissed, the present Civil Revision Petition is filed.

3. Learned counsel for the petitioner submits that in view of the dismissal of the application seeking adjournment, the property is being put to sale in a public auction and the petitioner is willing to satisfy the Decree in E.P.No.3 of 2017.

4. Learned counsel for the petitioner further submits that the petitioner herein already deposited 20% of the decretal amount as a pre-condition for entertaining E.A.No.317 of 2017. The petitioner undertakes to satisfy the Decree in E.P.No.3 of 2017 without any further condition and the learned counsel appearing for the Decree Holder accepts the same.

5. In view of the same, there shall be stay of further proceedings in E.P.No. 3 of 2017 and the petitioner is given 15 days time for satisfying the Decree by taking into account the amount already deposited to the credit of E.P.No.3 of 2017. As and when such an amount is deposited, the Decree Holder is entitled to withdraw the same and the Execution Petition can be closed by the Executing Court.

6. This Civil Revision Petition is accordingly, disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 10.4.2018

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