

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.3655 of 2015

ORDER

This revision under Article 227 of the Constitution of India is filed questioning the inaction of the III Additional District Judge, Anantapur, in disposing of I.A.No.147 of 2013 in O.S.No.93 of 2011.

2. The petitioners herein filed O.S.No.93 of 2011 for partition to divide the suit schedule property and allot 2/7th share to them. In the said suit, a preliminary decree was passed on 09.10.2012, declaring that the petitioners are entitled 2/7th share in the suit schedule property. Thereafter, the petitioners filed I.A.No.147 of 2013 to pass a final decree by appointing the Advocate Commissioner to divide 2/7th share of petitioners by taking good and bad soil as per preliminary decree and the same is pending. But, as against the preliminary decree, respondent No.6 herein preferred an appeal in A.S.No.117 of 2013 before this Court and no stay was granted by this Court since no interlocutory application was filed for grant of stay of further proceedings in O.S.No.93 of 2011 in pursuance of the preliminary decree dated 09.10.2012.

3. Non-disposal of application on the ground that the appeal is pending is not a justifiable cause. However, the III Additional District Judge, Anantapur, is directed to dispose of the application in I.A.No.147 of 2013 in O.S.No.93 of 2011, within six months from the date of receipt of a copy of this order.

4. With the above direction, the Civil Revision Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SATYANARAYANA MURTHY, J

12th March, 2018
sj