

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3860 OF 2018

ORDER:

This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, 1908, aggrieved by the order dated 13.04.2018 passed in I.A. No.105 of 2018 in E.P. No.18 of 2015 on the file of the VII Additional District Judge, Bodhan, Nizamabad District (for short, 'the Court below'), wherein the Court below dismissed the application filed by the petitioner-J.Dr.-defendant for setting aside the *ex parte* order dated 16.03.2018 passed against him in the E.P.

2. Heard the learned counsel for the revision petitioner and perused the material on record.

3. Learned counsel for the revision petitioner would submit that on one occasion, the petitioner was absent and filed a detailed memo raising various contentions and the Court below was pleased to set him *ex parte* and proceeded with the E.P. proceedings; the petitioner was absent on that day not wantonly; and ultimately, prays to set aside the *ex parte* order dated 16.03.2018.

4. The material on record reveals that the decree under execution was passed on 27.04.2015 for recovery of a sum of Rs.21,59,856/-. The petitioner herein obtained conditional stay order on 05.02.2016 from this Court in A.S.M.P. No.1897 of 2015 in A.S. No.643 of 2015. Further, the petitioner did not deposit 50% of the decretal amount within eight weeks granted by this Court in the conditional order. Even the petitioner did not assign any reasons for not doing so. On 16.06.2017, the Court below passed an order of attachment of the E.P. schedule property and the property was attached on 24.06.2017. The Court below had also assigned valid reasons with regard to service of notice on 12.03.2018. In view of these circumstances, the petitioner has been trying to delay the execution proceedings. Further, the petitioner failed to comply the

direction given by this Court. The petitioner is aware throughout the pendency of the execution proceedings. The Court below had rightly set the petitioner *ex parte* on 16.03.2018. The Court below, while dealing with the application to set aside the *ex parte* order, was pleased to dismiss the same assigning reasons. There is no infirmity in the said order. There is nothing to take a different view.

5. Accordingly, the Civil Revision Petition is dismissed. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 20.07.2018
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