

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.3819 of 2018

ORDER:

Heard both sides.

Undisputedly pending appeal against the trial Court's decree under execution in EP.No.106 of 2017, there was an application filed with the unnumbered appeal to condone the delay in filing the appeal of 8 days and it shows later ended in dismissal for default and a restoration application was filed and on contest it is reserved for orders.

In either way if allowed, this revision becomes infructuous and if dismissed the petitioner is to impugn that by filing a revision. Once such is the case, there is nothing to keep the revision pending, but for liberty to the petitioner if at all to approach the executing Court by filing application under Order XXI Rule 29 CPC.

Having regard to the above, this Civil Revision Petition is disposed of by directing the executing Court to await orders of I.A.No.738 of 2017 in IA.No.336 of 2017 in unnumbered appeal, which is subject to payment to the decree holder or deposit of the costs of the decree of the trial Court forthwith.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 20.07.2018
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