

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.3711 of 2017

ORDER:

Heard Mr.P.V.Srinivas Rao for petitioner and Mr.Ghanshyamdas Mandani for respondents 1 to 4.

The matter arises under execution of the decree/judgment in O.S.No.73 of 1997. The revision petitioner is the claimant. E.A.No.200 of 2008 filed by the revision petitioner was disposed of on 02.06.2016. The revision petitioner filed appeal and sought for stay of further proceedings in E.P.No.57 of 2006. The appellate Court through the order impugned in the Civil Revision Petition granted stay, however, imposed condition on revision petitioner. The order reads thus:

“Heard both sides counsels. Interim stay is granted till 31.07.2017, subject to depositing of half of the decretal amount in the Court below.”

Hence, the Civil Revision Petition.

On 04.08.2017, this Court granted stay of condition imposed by the appellate Court. Keeping in view the subsistence of stay order during the pendency of the Civil Revision Petition, this Court is of the view that for any of the purposes namely to consider whether the revision petitioner is entitled for stay of the order in E.A.No.200 of

2008 or condition imposed is onerous particularly when the claimant is objecting to the execution of the decree/judgment in O.S.No.73 of 1997, considers it appropriate to direct the appellate Court to dispose of A.S.No.113 of 2016 as expeditiously as possible, preferably within three months from the date of receipt of copy of this order.

The Civil Revision Petition is ordered accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 11.09.2018

Note:
CC by one week
(B/o) dv



S. V. BHATT, J

