

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No.5261 of 2018

ORDER:

1) Assailing the order, dated 30.08.2018, passed in E.A.No.92 of 2018 in E.P.No.134 of 2017 on the file of the IV Additional Senior Civil Judge, Guntur, wherein an application filed to suspend the docket order, dated 25.06.2018 passed in E.P.No.134 of 2017, was dismissed, the present Civil Revision Petition came to be filed under Article 227 of the Constitution of India.

2) The facts in issue are as under:

The averments in the affidavit filed in support of the petition would show that as against the judgment and decree in O.S.No.476 of 2013, the petitioner herein filed A.S.No.39 of 2017 and also filed stay petition in I.A.No.231 of 2017 which is pending. While things stood thus, the respondent herein filed E.P.No.134 of 2017, wherein an order came to be passed for delivery of the property on 25.06.2018 without giving an opportunity to the petitioner for hearing. Hence, the petitioner filed E.A.No.92 of 2018, seeking to suspend the docket order of delivery of property dated 25.06.2018 passed in E.P.No.134 of 2017.

3) The respondent herein filed counter denying the averments in the affidavit filed in support of the petition. It is contended

that only with an intention to drag on the matter and harassing the decree holder the judgment debtor filed the present petition.

4) After considering the rival submissions made, the Court below dismissed the petition. Challenging the same, the present Civil Revision Petition is filed.

5) Sri N.Subba Rao, learned counsel for the petitioner would submit that in view of the fact that stay application filed along with A.S.No.39 of 2017 on the file of the Principal District Judge, Guntur, is coming up for hearing next week, a direction may be given to the lower appellate Court to dispose of the stay application, meanwhile, the order for delivery of property may be suspended.

6) Learned counsel appearing for the respondent would submit that a direction may be given to dispose of the stay application at the earliest, after hearing both the parties.

7) Having regard to the submissions made, the Civil Revision petition is disposed of directing the Principal District Judge, Guntur, to dispose of I.A.No.231 of 2017 in A.S.No.39 of 2017, in accordance with law, as early as possible, within a period of three weeks from today. Till the appropriate orders are passed in I.A.No.231 of 2017, the proceedings in E.P.No.134 of 2017 on the file of the IV Additional Senior Civil Judge, Guntur, shall be suspended.

8) As a sequel thereto, Miscellaneous Petitions pending if any, shall stand closed. There shall be no order as to costs.

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JUSTICE C.PRAVEEN KUMAR

23.11.2018

Note: Issue C.C. Monday

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