

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.5352 OF 2018

ORDER :

This Civil Revision Petition is filed aggrieved by the docket order dated 30.07.2018 in EP No. 56 of 2018 in O.S.No.138 of 2011 passed by the Principal Senior Civil Judge, Kovvur, West Godavari District.

Learned counsel for the petitioners submit that against judgment and decree dated 21.03.2018 in OS No.138 of 2011, the petitioners preferred appeal along with condonation petition i.e., I.A.No.843 of 2018 in filing appeal in ASSR No.3398 of 2018 before the IX Additional District Judge, Kovvur, but the same is not being disposed of, meanwhile impugned docket proceedings are issued.

A perusal of the impugned docket proceedings dated 30.07.2018 in E.P.No.56 of 2018 in O.S.No.138 of 2011 goes to show that the Court below directed to register the EP and issued further proceedings, which goes to show that only after order is passed in E.P, petitioner filed appeal.

Since the petitioners have already filed appeal along with stay petition against judgment and decree dated 21.03.2018 in O.S.No.138 of 2011, the petitioners cannot maintain this Civil Revision Petition against issuance of process in E.P, seeking stay of execution proceedings before the Court below.

In view of above, I am not inclined to entertain the Civil Revision Petition and accordingly, the same is dismissed.

However, it is open for the petitioners to pursue the appeal before the IX Additional District Judge, Kovvur. The IX Additional District Judge, Kovvur is directed to dispose of the condonation petition & stay petition as expeditiously as possible preferably within two weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand dismissed.

A.RAJASHEKER REDDY, J

05.10.2018
kvs



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