

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition No.6018 of 2018

ORDER :

Impugning the order, dt.28.09.2018 in E.P.No.23 of 2011 in O.S.No.82 of 2008 on the file of the Senior Civil Judge, Gooty, the present revision is filed by the petitioners saying despite the stay of decree in O.S.No.82 of 2008, granted in S.A.M.P.No.2626 of 2011 dated 23.09.2011 in pending S.A.No.1145 of 2011 by the High Court.

Undisputedly as per the judgment of the Apex Court, after six months stay deemed vacated. Once that is binding, there is nothing to find fault with the lower Court to proceed with the execution for not even a case, the petitioners/J.Drs. approached the Court where the Second Appeal is pending seeking to extend the stay by specific application nor any clarification that the Apex Court judgment is not applicable to the Second Appeal to proceed for trial of suit or criminal proceedings.

Having regard to the above, the Civil Revision Petition is disposed of before admission after hearing both sides, by directing the executing Court (Court of Senior Civil Judge, Gooty) not to proceed by virtue of this order till 20.12.2018 and in the meantime the petitioners are at liberty if at all to seek for extension of the stay in the Second Appeal. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:23.11.2018
b/ o.vvr