

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.6399 of 2017

ORDER:

In this civil revision petition, under Article 227 of the Constitution of India, the grievance of the petitioner/deGREE holder is with regard to non-timely disposal of the Execution Petition in E.P.No.35 of 2015 in O.S.No.117 of 2012 by the learned V Additional District Judge, Bhongir.

2. I have heard the submissions of Sri *P.Venkateswarlu*, learned counsel appearing for the revision petitioner/plaintiff. I have perused the material record.

3. Learned counsel for the petitioner submits as follows: 'The suit is instituted for specific performance. The suit was decreed on 23.01.2015. The Execution Petition is filed for realisation of the fruits of the decree. Having participated in the suit proceedings for some time, the defendant deliberately remained *ex parte*. The defendant later filed an application for condonation of delay along with an application for setting aside the *ex parte* decree. The defendant/Judgment debtor also filed E.A.No.105 of 2017 in the afore-stated E.P. seeking stay of all further proceedings in the said E.P. The Court below is neither disposing of E.A.No.105 of 2017 nor the applications filed by the defendant on the original side for setting aside the *ex parte* decree and for condonation of delay in seeking to set aside the *ex parte* decree.'

4. Learned counsel for the petitioner would further submit that if a direction is given to the Court below to expedite the hearing of the *interlocutory* applications filed on the original side and the

Execution Application filed in the E.P., the ends of justice would be met.

5. In the result, the Civil Revision Petition is disposed of directing the Court below to hear and dispose of, in strict accordance with procedure established by law, the applications filed by the defendant on the original side for setting aside the *ex parte* decree and for condonation of delay in seeking to set aside the *ex parte* decree, as expeditiously as possible and preferably within a period of six (06) weeks from the date of receipt of a copy of this order. It is necessary to state that the Court below is also at liberty to consider and dispose of E.A.No.1 of 2017 simultaneously, if it so desires.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 19th January, 2018

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