

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.7336 OF 2017

ORDER:

This Civil Revision Petition is filed under Section 115 of C.P.C. challenging the docket order dated 30.11.2017 in E.P.No.11 of 2017 in O.S.No.73 of 2011 on the file of the Court of the Senior Civil Judge, Rayachoty.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the petitioner herein filed E.A.No.78 of 2017 in E.P.No.11 of 2017 in O.S.No.73 of 2011 under Order XXI Rules 105 and 106 C.P.C. to set aside the *ex parte* order dated 11.04.2014. The executing Court allowed the petition on 06.11.2017 directing the petitioner to deposit E.P. costs of Rs.36,154/- on or before 13.11.2017. For one reason or other, the petitioner could not deposit the said amount. The petitioner filed E.A.No.115 of 2017 in E.A.No.78 of 2017 in E.P.No.11 of 2017 in O.S.No.73 of 2011 seeking one month time for depositing the costs. For one reason or other, the executing Court did not dispose of the said E.A.No.115 of 2017.

4. The only relief sought by the learned counsel for the petitioner is to direct the executing Court to dispose of E.A.No.115 of 2017 in E.A.No.78 of 2017 in E.P.No.11 of 2017 in O.S.No.73 of 2011 as expeditiously as possible.

5. In view of the submission made by the learned counsel for the petitioner, this Court is not inclined to go into the merits of the main case.

6. Having regard to the facts and circumstances of the case, the learned Senior Civil Judge, Rayachoty, is hereby directed to dispose of E.A.No.115 of 2017 in E.A.No.78 of 2017 in E.P.No.11 of 2017 in O.S.No.73 of 2011 within a period of two (2) weeks from the date of receipt of a copy of this order. The learned Senior Civil Judge is further directed not to issue warrant against the petitioner-J.Dr till disposal of the said E.A.No.115 of 2017.

7. With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

Date: 29.03.2018
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T.SUNIL CHOWDARY, J

