

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.993 of 2019

ORDER :

This Revision is filed challenging the order dt.15-04-2019 in I.A.No.724 of 2019 in A.S.No.67 of 2019 of the IX Additional Chief Judge, City Civil Court at Hyderabad.

2. The 1st respondent herein had filed a suit O.S.No.1675 of 2001 against 2nd respondent for specific performance of an agreement of sale, which came to be decreed on 28-02-2002 by the VII Senior Civil Judge, City Civil Court, Hyderabad.

3. After the decree was passed, the 1st respondent filed E.P.No.121 of 2008 for execution of the decree and for delivery of possession of the suit schedule property.

4. Petitioner herein filed a claim petition E.A.No.11 of 2017, which was dismissed on 01-04-2019.

5. Challenging the same, petitioner filed A.S.No.67 of 2019 before the IX Additional Chief Judge, City Civil Court at Hyderabad and pending appeal, sought stay of the execution of decree in O.S.No.1675 of 2001 by filing I.A.No.724 of 2019.

6. The lower appellate Court simply issued notice to the Decree Holder/1st respondent on 15-04-2019 and adjourned the matter to 25-04-2019.

7. This order is challenged in the Revision by the learned counsel for petitioner contending that pending disposal of the said I.A., if stay of execution of decree in O.S.No.1675 of 2001 is not granted, there is every possibility of the petitioner being dispossessed from the suit schedule property.

8. Accordingly, this Court granted on 16-04-2019 interim stay of execution of the decree in O.S.No.1675 of 2001 pending Revision.

9. Learned counsel for respondent has entered appearance and sought vacating the said stay.

10. Since I.A.No.724 of 2019 in A.S.No.67 of 2019 is still pending on the file of the IX Additional Chief Judge, City Civil Court at Hyderabad, I do not wish to express any opinion on the claim of both parties.

11. The Civil Revision Petition is disposed of directing the IX Additional Chief Judge, City Civil Court at Hyderabad to decide I.A.No.724 of 2019 in A.S.No.67 of 2019 within six (06) weeks from the date of receipt of copy of this order, and till the said I.A. is decided either way, there shall be stay of all further proceedings in E.P.No.121 of 2008 in O.S.No.1675 of 2001 on the file of the VII Senior Civil Judge, City Civil Court, Hyderabad including dispossession of petitioner from the premises bearing No.8-4-549/38/1/A, Netaji Nagar, A.G.Colony, Erragadda, Hyderabad. No costs.

12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-07-2019

Vsv

