

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3012 OF 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed aggrieved by the order, dated 03.07.2019, passed in E.A.No.349 of 2019 in E.P.No.499 of 2018 by the II Additional District Judge, Warangal.

2. Heard. Perused the record.

3. The impugned order, dated 03.07.2019, reads as follows:

“Heard both. Perused the petition in consideration of the submissions made by the petitioner and to give a fair chance to petitioner to contest the case, the petition is allowed on condition. The petitioner shall pay ½ of the E.P. amount within 10 days. On the said condition the petition is allowed.”

4. Learned counsel for the petitioner, in support of his submissions, relied on a decision in M/ s. Gopal and Company v. M/ s. Kure Balarajaiah Siddiramulu¹. The said decision relates to setting aside of an *ex parte* decree passed in a Suit. In the present case, the petitioner seeks to set aside the *ex parte* order passed in execution proceedings. Therefore, the said decision has no application.

5. The impugned order is passed during pendency of the execution proceedings. The executing Court has jurisdiction to

¹ 1994 (1) ALT 410

pass such an order. No infirmity or perversity is found in the impugned order. The Civil Revision Petition is devoid of merit.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

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

Dr. SHAMEEM AKTHER, J

December 03, 2019.
MD

