

THE HON'BLE Dr.JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2163 of 2019

ORDER:

This civil revision petition is filed under Section 115 of C.P.C, by the petitioner/judgment-debtor, aggrieved by the order dated 23.08.2019 passed in E.A.No.22 of 2019 in E.P.No.2 of 2016 by the learned VIII Additional District Judge at Miryalguda.

2. Heard the learned counsel for the revision petitioner and perused the record.

3. Learned counsel for the revision petitioner would contend that the amount calculated by the Court below is erroneous and excess amount was claimed by the respondent/decreed-holder in the execution proceedings. In spite of bringing this fact to the notice of the Court below, it failed to appreciate the same and erroneously passed the impugned order and ultimately prayed to set aside the impugned order.

4. The material placed on record would disclose that on 13.03.2019, the revision petitioner/judgment-debtor was absent. Thereafter, the matter underwent several adjournments. After hearing the counsel for the respondent/decreed-holder, the Court below had taken steps for proclamation of sale and posted the matter on 30.08.2019 for sale of the property under attachment. Then on 13.08.2019, two applications vide E.A.Nos.22 and 23 of 2019 were filed. E.A.No.22 of 2019 was filed to stay all further proceedings in the subject E.P. and E.A.No.23 of 2019 was filed to set aside the *ex parte* order passed on 10.04.2017 against the

petitioner/ judgment-debtor. The Court below having heard both sides and on examining the dispute in detail, held that the revision petitioner/judgment-debtor committed default in paying the decretal amount within the stipulated time as per the terms of award passed by the Lok Adalat. The Court below had also considered the calculations with regard to the amount due and payable to the respondent-decree-holder and rejected all the contentions raised before it.

5. Having argued for sometime, learned counsel for the revision petitioner seeks time to pay the decretal amount. It is pertinent to state that though the award was passed on 17.03.2015, there is default on the part of the revision petitioner in paying the decretal amount in terms of the said award and much time has been passed since then. Therefore, it is not appropriate to grant any further time to the revision petitioner/judgment-debtor. The Court below had not committed any irregularity in calculating the amounts due. Further, the Court below did not exceed the jurisdiction vested therein. There is no illegality or infirmity in the impugned order. The civil revision petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the civil revision petition is dismissed at the admission stage. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 16.09.2019
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