

THE HON'BLE Dr.JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2567 OF 2019

ORDER:

This revision under Article 227 of the Constitution of India, is filed by the petitioner/J.Dr.No.2, aggrieved by the order dated 06.09.2019 passed in E.A.No.40 of 2019 in E.P.No.63 of 2018 by the learned II Addl. Senior Civil Judge, Ranga Reddy District, at L.B.Nagar, wherein the said E.A. filed by the petitioner/J.Dr.No.2 under Order XXI Rule 26 CPC seeking to stay the E.P proceedings, was dismissed.

2) Heard the learned counsel for the revision petitioner/J.Dr.No.2 and perused the record.

3) Learned counsel for the revision petitioner/J.Dr.No.2 submits that no opportunity was given to the revision petitioner to contest the suit in O.S.No.2238 of 2010 and therefore, he sought for stay of proceedings in the subject Execution Petition.

4) The subject suit is of the year 2010 and the judgment and decree sought to be executed is dated 30.11.2017. There was sufficient time to the revision petitioner to pursue the matter. As a right, the revision petitioner cannot seek stay of execution of subject decree. The Court below after hearing both sides, dismissed the subject E.A.No.40 of 2019 vide impugned order assigning valid reasons. The circumstances placed on record, do not make out a case that the findings recorded by the Court below are perverse and interference is warranted by this Court. Therefore, there is no illegality in the order under challenge. The

Civil Revision Petition is devoid of merit and is liable to be dismissed.

5) Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 13.11.2019
Vvr

