

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2769 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/third parties, challenging the order, dated 18.11.2019, passed in E.A.No.8 of 2019 in E.A.No.6 of 2019 in E.A.No.13 of 2018 in E.P.No.6 of 2018 in O.S.No.17 of 1992, by the Additional Junior Civil Judge, Madira, whereby, the petition filed by the revision petitioners/third parties under Section 151 CPC requesting to stay all further proceedings in E.A.No.6 of 2019 in E.A.No.13 of 2018 in E.P.No.6 of 2018 in O.S.No.17 of 1992, till disposal of claim petition No.35 of 2018, which was filed pursuant to the order, dated 24.08.2018, passed by this Court in CRP No.2308 of 2018, was dismissed with costs.

2. Heard the learned counsel for the revision petitioners/third parties, the learned counsel for the respondent No.3/plaintiff and perused the record.

3. In the course of submissions, it is brought to the notice of this Court that Claim Petition No.35 of 2018 was filed by the revision petitioners/third parties to declare them as absolute owners and possessors of the suit schedule property and also to declare that the decree holders/plaintiffs (respondent Nos.1 to 3 herein) and Judgment Debtor/defendant (respondent No.4 herein) have no right, whatsoever, over the suit schedule property. It is also submitted that an application vide

E.A.No.34 of 2018 was filed to stay all further proceedings in E.A.No.13 of 2018 in E.P.No.6 of 2018 in the subject suit. When an application vide E.A.No.34 of 2018, requesting to grant stay of all further proceedings in E.A.No.13 of 2018 in E.P.No.6 of 2019 in the subject suit is pending, it is for the revision petitioners/third parties to seek stay in the said application only, but they cannot ask for stay of execution of the decree and judgment passed in O.S.No.17 of 1992 in the subject application. These aspects were elaborately dealt by the Court below in the impugned order, after examining the entire material on record. The Court below is justified in passing the impugned order. No perversity is found in the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

4. In the result, 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.

04th December, 2019
Vvr

Dr. SHAMEEM AKTHER, J