

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3045 OF 2019

ORDER:

This revision, under Section 115 of Civil Procedure Code, is filed by the petitioner/appellant aggrieved by the order dated 15.11.2019 passed in I.A.No.618 of 2019 in A.S.No.34 of 2019 by the VIII Additional District Judge, Miryalaguda, Nalgonda District, whereby the application filed by the revision petitioner, under Order 41 Rule 5 of CPC, seeking to stay the operation of the judgment and decree dated 01.08.2018 in O.S.No.18 of 2017 on the file of the Junior Civil Judge, Nidamanoor, was dismissed.

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

3. Learned counsel for the revision petitioner/appellant would contend that when the Appeal Suit is pending, the decree-holder is proceeding with the execution of the decree. If the decree is executed, the appeal becomes infructuous and ultimately prayed to stay the operation of the judgment and decree dated 01.08.2018 in O.S.No.18 of 2017 on the file of the Junior Civil Judge, Nidamanoor.

4. It is evident from the record that the findings recorded in the judgment and decree dated 01.08.2018 in O.S.No.18 of 2017 as well as in the impugned order dated 15.11.2019 in I.A.No.618 of 2019 are against the revision petitioner herein.

5. As seen from the record, there is no *prima facie* case to grant any relief to the revision petitioner. Furthermore, if the decree is executed, it is open to the revision petitioner to invoke Section 144 of CPC seeking relief of restitution. Under these circumstances, this revision petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed at the stage of admission.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Date: 19.12.2019
ssp

Dr. SHAMEEM AKTHER, J

