

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2964 OF 2019

ORDER:

This Civil Revision Petition, under Section 115 of the Code of Civil Procedure, 1908, is filed by the revision petitioners/Judgment Debtor Nos.3 to 15 aggrieved by the order, dated 20.11.2019, passed in E.A.No.558 of 2019 in E.P.No.861 of 2019 (old E.P.No.3 of 2018) by the IV Senior Civil Judge, City Civil Court, Hyderabad, wherein the Court below has dismissed the subject Execution Application, which was filed seeking to stay all further proceedings in E.P.No.3 of 2018 till Second Appeal No.1391 of 2007 pending on the file of this Court is decided.

2. Sri B. Dhananjaya, learned counsel, takes notice for respondent No.1/Decree Holder.

3. Heard learned counsel for the revision petitioners/Judgment Debtor Nos.3 to 15 and the learned counsel for respondent No.1/Decree Holder and perused the record.

4. It is represented that respondents Nos.2 and 3/Judgment Debtor Nos.1 and 2 are not necessary parties to this Civil Revision Petition.

5. Learned counsel for the revision petitioners/Judgment Debtor Nos.3 to 15 had brought to the notice of this Court the

orders, dated 27.06.2019 and 12.07.2019, passed by this Court in S.A.No.1391 of 2007, wherein respondent No.1/Decree Holder had given an undertaking that he will not enforce the subject decree, dated 20.07.2007, passed in A.S.No.332 of 2006 by the III Additional Chief Judge, City Civil Court, Hyderabad, till 16.08.2019. Learned counsel would contend that there should be sanctity to the afore-stated two orders and in view of the same, the Executing Court ought to have allowed the subject application. It is also brought to the notice of this Court that the Executing Court has issued warrant of delivery of possession.

6. It is borne by record that the undertaking given by respondent No.1/Decree Holder expired on 16.08.2019. Further, no stay is granted in S.A.No.1391 of 2007 pending before this Court. Under these circumstances, there is no infirmity in the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Civil Revision Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

December 12, 2019.
MD