

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos. 193 & 238 of 2020

COMMON ORDER:

These Civil Revision Petitions are filed seeking direction to the Principal Senior Civil Judge, Rangareddy District at L.B.Nagar, to consider the submissions made by the petitioners in IA.SR.No.19613 of 2019 in IA.No.702 of 1997 and IA.Sr.No.19614 of 2019 in IA.No.703 of 1997 in OS.No.154 of 1988.

The case of the petitioner is that petitioner filed interlocutory applications in IA.Sr.No.19613 of 2019 and 19614 of 2019 for recalling the orders dated 12.06.1997 passed in IA.Nos.702 and 703 of 1997, stating that the said orders are obtained by the respondents by playing fraud on the Court; and that petitioner's father never signed Assignment Deed dated 09.09.1992, basing on which the IA.Nos.702 and 703 of 1997 were allowed. It is further stated that IA.SR.No.19613 of 2019 and 19614 of 2019 were returned on 03.12.2019 and thereafter the petitioner resubmitted the same by complying the objections, but, again the said applications were returned on 13.02.2020 and the said docket order reads as follows;

“1. The order in IA.Nos.702/1997 is not filed along with applications.

2. Criminal Appeal No.1200/2002 is pending on the file of Hon'ble High Court against the Judgment and Decree in OS.No.84 of 1988, dated 22.04.2002, wherein in Civil Miscellaneous Petition No.12841/2002 dated 15.07.2002, the Hon'ble High Court at Hyderabad granted interim STAY in EP.No.55/1998 and in OS.No.154/1988. Thus, while pending appeal No.1200/2002 wherein interim STAY of proceedings in EP 55/1998 arising in OS No.154/1988, under which the present

IA.No.702/1997 was filed, there is interim STAY, how this Court can proceed with the present application filed in IA.No.702/1997.”

Learned Counsel for the petitioner submits that there is no stay operating against OS.No.154 of 1988; that the stay granted in the first appeal is only in respect of EP proceedings in OS.No.154/1988; and that the order in the first appeal i.e. AS.No.1200 of 2002 is very clear, but without considering the same, the applications of the petitioner were returned. He further submits that the same may be considered.

The petitioner while resubmitting the applications complied with the objections, and cited several judgments specifically stating that no stay is operating in OS.No.154 of 1988.

In view of the above, the order dated 13.02.2020 passed in IA.SR.No.19613 of 2019 in IA.No.702 of 1997 and IA.Sr.No.19614 of 2019 in IA.No.703 of 1997 in OS.No.154 of 1988, is set aside and remanded back to the Court below. The Court below after considering the compliance made by the petitioner while resubmitting the applications, is directed to consider those objections and Judgments and pass orders, in accordance with law.

Accordingly, these Civil Revision Petitions are disposed of. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

14.02.2020
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