

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CIVIL REVISION PETITION NO: 2016 OF 2025

Petition Under Article 227 of the constitution of India aggrieved by the Order dated 19/03/2025 in E.P. No. 27 of 2022 in MVOP No. 541 of 2013 on the file of III Additional District and Session Judge, Karimnagar.

Between:

Budida Swathi, D/o Pochaiah, Aged 24 years, Occ. Private Teacher Caste Madiga, R/o Nagaram village of Manthani Mandal, Karimnagar District.

...PETITIONER

AND

1. Veeraboina Ramesh, S/o Kistaiah, Aged 28 years Caste Mudiraj, Occ driver of the tractor bearing No AP15AC5021, R/o H No 1-58 Ramapally V, Peddapally Mandal of Karimnagar District.
2. Nallagonda Kumar, S/o Rayamallu, Aged 31 years Caste Goud, Occ Owner of the tractor bearing No AP15AC5021 R/o H No 2-51 Ramapally V Peddapally Mandal of Karimnagar District.
3. The Shriram Gen Insurance Co. Ltd., E8 EPIP RIICO Industrial Area Jaipur Rajasthan State 302022 r/by its Branch Manager.

(R1 & R2 are not necessary parties to this Revision Petition)

...RESPONDENTS

Counsel for the Petitioner: S MOHD ABDUL KAREEM KHAN

Counsel for the Respondent No.3: Ms. T PADMAJA, learned counsel representing Mr. HARINATH REDDY SOMA

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CIVIL REVISION PETITION No. 2016 OF 2025

ORDER

I have heard Mr. S. Mohd. Abdul Kareem Khan, learned counsel for the revision petitioner and Ms. T.Padmaja, learned counsel, representing Mr.Harinath Reddy Soma, learned counsel for respondent No.3.

2. This Civil Revision Petition has been filed by the revision petitioner challenging the order dated 19.03.2025 passed by the learned III Additional District and Sessions Judge, Karimnagar, in Execution Petition No. 27 of 2022 arising out of M.V.O.P. No. 541 of 2013.

3. Briefly stated, the relevant facts are that the revision petitioner instituted O.P. No. 541 of 2013 (M.V.O.P.) seeking compensation for the injuries sustained in a motor vehicle accident. The said petition was allowed by the Tribunal on 24.08.2015, awarding compensation of Rs.10,00,000/- together with interest at the rate of 7.5% per annum from the date of the petition until realization. Aggrieved by the quantum of compensation awarded, the petitioner is stated to have preferred an appeal in M.A.C.M.A. No. 3360 of 2019, which is presently pending before this Court. In the meanwhile, the executing Court, by the

impugned order, directed the petitioner to file a fresh execution petition subject to the outcome of the said appeal, leading to the present revision petition.

4. Learned counsel for the petitioner submits that the executing Court committed an error in passing the impugned order and in closing the pending execution petition. He, however, fairly concedes that in the appeal (M.A.C.M.A.), this Court, by way of an interim measure, granted a stay of all further proceedings in the execution petition upon consideration of the pleadings advanced on behalf of the respondent/insurer. Notwithstanding such interim stay, learned counsel contends that the closure of the execution petition causes serious prejudice to the petitioner, inasmuch as the respondents have thus far paid only a part of the decretal amount. He, therefore, prays for the intervention of this Court and for setting aside the impugned order of the executing Court.

5. Per contra, learned counsel appearing on behalf of respondent No. 3/insurer submits that subsequent to the award in the M.V.O.P. and prior to the filing of the execution petition by the revision petitioner, an amicable settlement was arrived at between the parties outside the Court, thereafter the appeal M.A.C.M.A was filed. She further submits that in view of such settlement, the respondent/insurer contested the

appeal filed by the petitioner in the M.A.C.M.A., and this Court, taking note of the circumstances, directed that the execution proceedings be stayed. Further points out that the appeal (M.A.C.M.A.) was initially dismissed for non-prosecution, but was subsequently restored on 10.01.2025. Consequent upon restoration, the stay order was brought to the notice of the executing Court, thereupon the impugned order came to be passed directing that a fresh execution petition may be filed subject to the outcome of the appeal. Learned counsel submits that the executing Court acted within its jurisdiction and that no impropriety or illegality can be attributed to the impugned order. She accordingly prays for dismissal of the revision petition.

6. I have perused the material on record.

7. The fact of filing of the appeal in M.A.C.M.A. and the consequent order of this Court granting stay of execution proceedings is not in dispute between the parties. Pending adjudication of the said appeal, the effect of the stay granted is that the decree and award passed by the Tribunal remain in abeyance, thereby leaving no executable decree in force on the date of consideration by the executing Court. It is well settled, however, that for realization of decretal dues, there is no absolute bar to the filing of an execution petition; nevertheless, the continuance or progress of such proceedings is subject to any

subsisting order of stay issued by the appellate Court under Order XLI Rule 5 CPC.

8. A perusal of the impugned order reflects that the executing Court, having taken note of the restoration of the appeal and the undisputed fact that stay of further execution proceedings had been granted by this Court, closed the execution petition, while expressly reserving liberty to the petitioner to initiate fresh execution proceedings upon disposal of the appeal. Such an approach of the executing Court is in consonance with the settled principles of law. The Hon'ble Supreme Court in *Atma Ram Properties (P) Ltd. v. Federal Motors (P) Ltd.*, (2005) 1 SCC 705, and other subsequent pronouncements, has reiterated that once a stay of execution is granted by the appellate Court, the decree-holder cannot derive the benefit of execution during the pendency of the appeal, except to the extent permitted under law.

9. In light of the above, this Court finds no illegality, irregularity, or impropriety in the view adopted by the executing Court. On the contrary, by reserving liberty to the petitioner to pursue fresh execution proceedings after the conclusion of the M.A.C.M.A., the executing Court has safeguarded the petitioner's right to realize the decretal amount, subject to the outcome of the appeal. Consequently, this Civil

Revision Petition is devoid of merit and is accordingly dismissed.

There shall be no order as to costs

Pending miscellaneous applications, if any, shall stand closed.

**SD/- U.SUDHA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

**One Fair Copy to the Hon'ble Sri Justice N Tukaramji
(For His Lordship kind Perusal)**

To,

1. The III Additional District and Session Judge, Karimnagar.
2. 11 LR Copies
3. The Under Secretary, Union of India Ministry of Law, Justice and Company Affairs, New Delhi
4. The Secretary, Advocates Association Library, High Court for the State of Telangana, High Court Buildings at Hyderabad.
5. One CC to SRI S MOHD ABDUL KAREEM KHAN, Advocate [OPUC]
6. One CC to SRI HARINATH REDDY SOMA, Advocate [OPUC]
7. Two CD Copies

GR/PSL JKS

HIGH COURT

DATED:16/09/2025

ORDER

CRP.No.2016 of 2025



DISMISSING THE CRP

(20) - JKS
6/1/26