

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

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Civil Revision Petition No.157 of 2000

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Date: 29-02-2012

Between:

Vemula China Pullaiah

..... Petitioner

AND

Smt. Velnati Ramadevi

.....Respondent

Counsel for the Petitioner: Sri V.V.L.N. Sharma

Counsel for Respondent: Ms. V. Bharathi

The Court made the following :

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Order:

The petitioner, who is judgment debtor in O.S.No.24 of 1998, filed this Civil Revision Petition feeling aggrieved by order, dated 07.12.1999, of the learned Principal Junior Civil Judge, Gurazala passed in E.A.No.529 of 1999 in E.P.No.140 of 1999, refusing to stay the execution proceedings pending the purported appeal filed against the judgment and decree in the suit.

A perusal of the order of the lower Court would show that even though the petitioner has pleaded that an appeal against the judgment and decree in the suit was filed and the same is pending, the details thereof have not been furnished and that the petitioner has not come forward to furnish security for the suit amount as a condition for staying the execution petition.

Mr. V.V.L.N. Sharma, learned counsel for the petitioner, is unable to state as to the present stage of the execution petition and also the appeal stated to have been filed by his client.

As more than 13 years have passed since passing of the impugned order and having regard to the nature of the relief claimed by the petitioner before the lower Court, presumably no cause will survive at this length of time. If the E.P. has not already been closed and the petitioner's appeal is pending before the lower appellate Court, the petitioner shall be free to pursue his remedy.

Subject to the above observations, the Civil Revision Petition is dismissed.

As a sequel, C.R.P.M.P.No.16465 of 2003 filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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cbs

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