

**THE HON'BLE SRI JUSTICE NINALA JAYASURYA**

**CIVIL REVISION PETITION No.718 of 2022**

**ORDER:**

The present Civil Revision Petition has been filed aggrieved by non-disposal of the appeal in A.S.No.119 of 2020 on the file of the Court of II Additional District Judge, Madanapalle.

2. Heard Mr. P.V.Venkata Ravi Sankar, learned counsel for the petitioner and Smt. S.Parineeta, learned counsel for the respondent No.1.

3. The Revision Petitioner herein is the claimant in E.A.No.248 of 2016 in E.P.No.14 of 2016 in O.S.No.41 of 2015 on the file of the Court of Senior Civil Judge, Punganur. The respondent No.1 herein is the Decree Holder (for short 'D.Hr') and the respondent Nos.2 and 3 herein are the Judgment Debtors (for short 'J.Drs') in the said suit. Aggrieved by the Judgment and Decree in O.S.No.41 of 2015, respondent Nos.2 to 3 herein filed A.S.No.531 of 2016 before this Court and interim stay was granted subject to the condition of depositing half of the decretal amount including costs. However, the said Order has not been complied with. The D.Hr., brought the property got attached in I.A.No.186 of 2015 for sale and at that juncture, the petitioner herein filed E.A.No.248 of 2016 under Order XXI Rule 58 r/w Section 151 Code of Civil Procedure to raise attachment in respect of petition schedule property and stop the sale.

4. In the said claim petition, it was, *inter alia*, pleaded that the 1<sup>st</sup> J.Dr., entered into a contract with the petitioner herein to sell the petition schedule property for a sum of Rs.13,00,500/- and a sale agreement dated 30.03.2015 was executed. It is also stated that an amount of Rs.12,50,000/- was also paid as advance amount and by virtue of the said agreement, the petitioner is having right over the petition schedule property and therefore, the same cannot be auctioned. The said application was opposed by the 1<sup>st</sup> respondent/D.Hr., by filing a counter. On due consideration of the matter, the learned Executing Court, by an Order dated 16.03.2020, dismissed the said claim petition by recording reasons. Aggrieved by the same, the petitioner preferred A.S.No.119 of 2020 on the file of the II Additional District Judge, Madanapalle.

5. At the time of ordering notice, this Court in the light of the submissions and considering the averments made in support of I.A.No.1 of 2022 was inclined to grant interim stay of all further proceedings pursuant to the orders passed in E.A.No.248 of 2016. One of the factors that weighed in favour of the petitioner was that though an appeal i.e., A.S.No.248 of 2016 was filed against the orders in E.A.No.248 of 2016 in the year 2020, the matter could not be taken up due to COVID-19 and that there is no regular Presiding Officer. Now that the situation has come to normalcy, this Court see no impediment and is of the opinion that the petitioner can as well move an application seeking advancement of the appeal filed by him along with appropriate miscellaneous applications, duly explaining the urgency even before the

Incharge Court, if there is no regular Presiding Officer. If such an application is made, the same shall be duly considered, in accordance with Law.

6. With the above observations, the Revision Petition is disposed of.  
No order as to costs.

As a sequel, miscellaneous applications, if any, pending shall stand closed.

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**NINALA JAYASURYA, J**

Date: 04.05.2022

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