

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Civil Revision Petition No.2144 of 2023

ORDER:

This C.R.P. is filed against the order dated 23.02.2023 in I.A.No.285/2019 in A.S.No.107/2019 passed by the learned XI Additional District Judge, Visakhapatnam, refusing to grant stay of trial Court's decree pending disposal of the appeal on the ground that the decree in O.S.No.29/2008 passed by the learned Senior Civil Judge, Yelamanchili was executed in E.P.No.5/2022 and delivery of the said property was effected on 14.02.2023.

2. Heard Sri Upendra Chakravarthy, counsel, representing Smt. T.V.Sridevi, counsel for petitioner. Having regard to the fact that by the time the stay application in I.A.No.285/2019 came up for consideration, the subject property was already taken delivery on 14.02.2023 in E.P.No.5/2022, in my considered view, the lower appellate Court has rightly rejected the stay application since the decree was already executed. Therefore, I do not find any illegality or irregularity or jurisdictional error in the impugned order. The petitioner, if succeeds in the appeal, can have recourse available under law for restitution of the subject property.

3. Therefore, having found no merits in the C.R.P., the same is dismissed at the stage of admission. No costs.

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

05.09.2023
MVA

U. DURGA PRASAD RAO, J