

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.5453 of 2015

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ORDER:

This revision is preferred by the petitioner, who moved E.A.SR.No.6920 of 2015 in E.P.No.62 of 2014.

E.P.No.62 of 2014 is taken out by the decree holder for execution of the decree passed in O.S.No.1448 of 1990. The challenge offered by the defendants in the suit has ultimately ended when the Supreme Court dismissed their case and upheld the decree passed in the suit. It appears that the judgment debtor No.2 has sold away a part of the suit schedule property in favour of Janachaithanya Housing Private Limited, a lay out developer. The petitioner is one of the purchasers of a housing plot from the said Janachaithanya Housing Private Limited. Thus, he is none other than a pendente lite purchaser of the suit schedule property.

Rule 102 of Order XXI CPC has clearly spelt out that nothing in Rules 98 and 100 shall apply to resistance or obstruction in execution of a decree for possession of immovable property by a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree was passed or to the dispossession of any such person.

In view of this categorical provision, rendering any obstruction to the execution of a decree by a pendente lite purchaser ineffective by not providing the assistance/the benefit of adjudication contemplated by Rules 98 and 100, the order passed by the learned Principal Junior Civil Judge, Ranga Reddy District at L.B.Nagar on 23.11.2015 dismissing E.A.SR.No.6920 of 2015 cannot be characterized as an illegal exercise of jurisdiction vested in that court.

Therefore, I do not see any reason for entertaining this revision and accordingly, it is dismissed at the admission stage.

Consequently, miscellaneous petitions, if any pending shall also stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

23.12.2015
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