

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.1427 of 2011

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Dated 01st May, 2015

Between:

Loyola Public School Society

...Petitioner

And

P.Anil Kumar (died) per LRs and others

...Respondents

Counsel for the petitioner: Sri M.Koteswara Rao

for Sri N.Srirama Murthy

Counsel for respondent Nos.7 & 8: Sri G.Pedda Babu

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 09.02.2011, in E.P.No.14 of 2010, in O.S.No.262 of 2005, on the file of the learned II Additional Senior Civil Judge, Ranga Reddy at L.B.Nagar, Hyderabad.

I have heard the learned counsel representing Sri N.Srirama Murthy, learned

counsel for the petitioner, and Sri G.Pedda Babu, learned counsel for respondent Nos.7 and 8.

Respondent Nos.7 and 8 are the assignees from the decree holders in O.S.No.262 of 2005. The decree for eviction of the petitioner/judgment debtor No.1 has attained finality. The assignees have filed E.A.No.180 of 2008 for permission to file execution petition. This application was contested by the petitioner. However, by order, dated 16.04.2010, the lower Court has allowed the said EA. Feeling aggrieved by the said order, the petitioner has filed CRP with delay of 418 days in filing the CRP and this Court by order, dated 14.11.2014, dismissed the miscellaneous application and also the CRP for non-prosecution. The said order has become final.

In pursuance of the order in E.A.No.180 of 2008, respondent Nos.7 and 8 have filed EP.No.14 of 2010 for delivery of vacant possession of item Nos.1 and 2 of 'A' schedule property in occupation of the petitioner. By the order under revision, the lower Court has allowed the said EP. Feeling aggrieved by the said order, the petitioner has filed the present civil revision petition.

As rightly submitted by Sri G.Pedda Babu, learned counsel for respondent Nos.7 and 8, that the order, dated 09.02.2011, which is questioned in this revision petition, is consequential to the order, dated 16.04.2010, in E.A.No.180 of 2008. As the said order has attained finality with the dismissal of the CRP filed by the petitioner, it is not entitled to raise the issue of entitlement of respondent Nos.7 and 8 to file the execution petition. Admittedly, the decree for eviction of the petitioner has become final and respondent Nos.7 and 8 have stepped into the shoes of the decree holders.

In the light of these incontrovertible facts of the case, I do not find any merit in this civil revision petition and the same is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, CRP.MP.Nos.2025 and 2026 of 2011 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

01st May, 2015

VGB

