

HONOURABLE SRI JUSTICE A. V.SESHA SAI

CIVIL REVISION PETITION No. 4497 OF 2015

DATED 11TH December, 2015

BETWEEN

Nalagorla Sriramulu

...Petitioner

And

Kommanaboina Venkatasubbamma (died) per LRs

...Respondents.

HONOURABLE SRI JUSTICE A. V.SESHA SAI

CIVIL REVISION PETITION No. 4497 of 2015

ORDER:

This Civil Revision Petition under Section 115 of Code of Civil Procedure challenges the order dated 4.2.2013 passed by the learned Senior Civil Judge, Parchur in E.A.No.49 of 2008 in E.P.No.35 of 2006 in O.S.No.14 of 1984.

The petitioner herein filed E.A.No.49 of 2008 under the provisions of Order 21 Rule 90 of CPC seeking to set aside the auction conducted on 25.2.2008 at Chirala DMC. The said application was dismissed by the Court below through the order under revision.

As per the provisions of Order 43 Rule 1 of CPC, an order refusing to set aside a sale is appealable.

In view of the aforesaid legal position, this Civil Revision Petition is dismissed with liberty to the petitioner to avail

appropriate remedy under the Code of Civil Procedure.

Office to return the original papers, if any, to the petitioner. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. V.SESHA SAI

DATED 11th December, 2015.

Note: CC in three days

(BO) Msnr_x