

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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C.R.P.No. 4131 of 2015

Between:

Sri B. Govindaiah

... Petitioner

and

Sri Venkateshwara Agrl. College and others

... Respondent/s

DATE OF JUDGMENT PRONOUNCED: 30.9.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | No |

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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C.R.P. NO. 4131 of 2015

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ORDER:

It appears that the first respondent herein is the decree holder who obtained a decree for possession, dated 30.10.2008 in O.S.No. 297 of 2002 on the file of the Principal Senior Civil Judge, Tirupati and the said decree was upheld even by the Supreme Court in Petition for Special Leave to Appeal (C) No. 25498 of 2012, dated 1.8.2014 and the judgment debtor, who is the petitioner herein, was directed to vacate and handover vacant possession of the premises to the decree holder on or before 31.7.2015 and an undertaking to that effect was directed to be filed by the petitioner, who has also complied with the said order by filing an undertaking. As the judgment debtor has not vacated and handed over the vacant possession, the decree holder filed E.P.No. 7 of 2011 for executing the decree wherein the judgment debtor filed EA No. 214 of 2015 seeking appointment of an advocate-commissioner for localizing the E.P. schedule property with the assistance of Mandal Surveyor on the ground that while executing the decree, the petitioner's property may also be effected. The said petition was opposed and rejected by the executing court by a reasoned order, dated 19.9.2015 which is impugned in this revision petition.

I have heard learned counsel for the petitioner/judgment debtor as well as Mr. P. Govinda Reddy, learned standing counsel for first respondent/decreed holder.

I am unable to see any ground for entertaining the revision petition, as the suit was contested by the judgment debtor till it was finally decided by the Supreme Court, as such the question of localization of EP schedule property cannot now be gone into at the

stage of execution proceedings. The decree undoubtedly has to be executed in accordance with the schedule mentioned in it and it is highly incomprehensible that the executing court would execute the decree in respect of property other than EP schedule property. The impugned order is in conformity with law and requires no interference.

Hence the revision petition is dismissed along with miscellaneous applications, if any. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 30.9.2015

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