

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.2420 of 2015

ORDER :

This Civil Revision Petition, under Section 115 of C.P.C., is filed by the petitioner/third party, aggrieved by the order and decree dated 20.04.2015 in E.A.No.27 of 2014 in E.P.No.51 of 2014 passed by the XXV Additional Chief Judge, City Civil Court, Hyderabad, dismissing the application filed by him under Order 21 Rule 16 r/w. Sections 146, 47 and 151 of C.P.C., seeking to declare him as the person entitled to continue the execution proceedings under the decree dated 23.6.2005 in O.S.No.133 of 2003, as confirmed by this Court vide judgment dated 26.8.2013 in C.C.C.A.No.176 of 2005.

2. It is the case of the petitioner/third party that there is assignment of decree by the 1st respondent/original decree holder in his favour and, as such, he is entitled to come on record in place of the original decree holder to pursue the execution proceedings in E.P.No.51 of 2014.

3. Heard learned counsel for the parties and perused the impugned order and the material on record.

4. From a perusal of the impugned order dated 20.4.2015, it is clear that the 1st respondent/original decree holder, during his life time, has sold the property to another third party viz., Syed Qaiser vide registered sale deed dated 8.11.2013. To establish his right over the

property basing on the alleged oral assignment, which is said to have been reduced to writing on 11.12.2011, the petitioner also filed a suit in O.S.No.767 of 2013 on the file of IX Additional Chief Judge, City Civil Court, Hyderabad, for specific performance of the alleged assignment. In view of the pendency of the suit filed by him, all the issues can be decided in the said suit and he is not entitled to come on record in place of the original decree holder to pursue the execution proceedings. In view of the reasons assigned by the Court below, I do not find any illegality in the impugned order, warranting interference by this Court.

5. For the aforesaid reasons, this civil revision petition is devoid of merits and is accordingly dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
10.07.2015.
Msr

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