

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.690 OF 2015

ORDER :

This Civil Revision Petition is filed under Section 115 of C.P.C. challenging the docket order dt.22.01.2015 in E.P.No.15 of 2012 in O.S.No.112 of 2003 of Junior Civil Judge, Nandaluru, Kadapa District.

2. The petitioner herein is the decree holder in the suit. He obtained a decree for recovery of money against the respondent/Judgment Debtor on 30.04.2011.

3. Thereafter, he filed E.P.No.15 of 2012 for attachment of the property of the judgment debtor and it is stated by the learned counsel for the petitioner that the said attachment was affected on 13.03.2012 by the bailiff of the trial Court.

4. On 16.12.2014, the E.P. was listed for settlement of terms and it was recorded on the Court docket that the decree holder value is Rs.50,000/- and the Amin value is Rs.70,000/- and the Court directed issuance of proclamation in 'Eenadu' Telugu daily news paper and directed the matter to be called on 22.01.2015.

5. On 22.01.2015, the Court below perused the record and felt that a valuation certificate issued by the

Sub-Registrar may be necessary to enable it to fix the upset price, since it is felt that the decree holder value and Amin value appear to be very meagre. Therefore, it postponed the sale to 22.09.2015, with a direction to the petitioner/D.Hr. to file the valuation certificate of the E.P.schedule property issued by the concerned Sub-Registrar.

6. It is the grievance of the petitioner that although the

Sub-Registrar had given a certificate on 28.01.2015 stating that the subject land is an assigned land of extent Ac.3.96 cents and therefore, it has Rs.'zero' value, the Court below is not taking any further action in the matter for the sale of the E.P. schedule property. Learned counsel for the petitioner has also produced docket orders passed by the Court below from 29.01.2015 till 25.02.2015.

7. A reading of the same indicates that the certificate dt.28.01.2015 issued by the Sub-Registrar concerned was not filed before the Court below by the petitioner and the matter was getting adjourned only for the said purpose. Without filing the said certificate dt.28.01.2015 issued by the Sub-Registrar before the Court below, it is not proper for the petitioner to blame the Court for not doing anything further in the matter.

8. Having regard to this fact, the Civil Revision Petition is dismissed directing the petitioner to produce before the Court below on the next day of hearing the certificate dt.28.01.2015 issued by the concerned Sub-Registrar with regard to valuation of the E.P. schedule property and after the said certificate is placed before the Court below, it shall then proceed to take appropriate steps in the matter, as required by law.

9. Accordingly, the Civil Revision Petition is dismissed, with the above directions. No costs.

6. As a sequel, all miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 25-03-2015

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