

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.4087 OF 2013

DATED 20th MARCH, 2015

Between:

K. Jagan Mohan Reddy and others

.. Petitioners

and

Karra Ahalya

.. Respondent

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.4087 OF 2013

ORDER

This civil revision petition arises out of the order dated 20.08.2013 passed by the learned Principal Junior Civil Judge, Warangal, in E.A.No.42 of 2012 in E.P.No.406 of 2010. The said E.A. was filed by the Judgment-Debtors in O.S.No.722 of 2009 which was decreed *ex parte* by the learned Principal Junior Civil Judge, Warangal, on 24.07.2010. By way of the subject E.A. filed under Section 47 CPC, the Judgment-Debtors sought a declaration that the said *ex parte* decree was incapable of being executed as it was obtained by playing fraud. By the order under revision, the Executing Court dismissed the E.A.

Perusal of the petition filed by the Judgment-Debtors under Section 47 CPC reflects that they sought to attack the *ex parte* decree dated 24.07.2010 in O.S.No.722 of 2009 alleging that they were not served with the summons in the suit and that the respondent/ plaintiff played fraud on the Court by misrepresenting the facts and obtained an *ex parte* decree. They alleged that the suit record spoke volumes of the conduct of the respondent/plaintiff in obtaining the *ex parte* decree against them behind their back by playing fraud on the Court. They therefore asserted that the said decree was a nullity and was not executable.

Significantly, no details are forthcoming from the petition in E.A.No.42 of 2012 in E.P.No.406 of 2010 as to the actual commission of the alleged fraud. It is a settled position of law that fraud must be specifically pleaded and proved. General, vague and bald allegations, as are found in the subject petition, would be wholly inadequate to support the plea of fraud. Taking note of this principle, the Executing Court rightly held that no material had been placed by the Judgment-

Debtors to substantiate their allegation that the respondent/plaintiff had played fraud on the Court and accordingly dismissed the application. This Court finds no ground to interfere with the cogent and well-reasoned order passed by the Court below.

The CRP is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

20th MARCH, 2015

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