

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.773 of 2013

ORDER :

The issue which arises for consideration in this Revision is whether a preliminary decree granted in a mortgage suit is executable without a decree holder obtaining a final decree.

2. The petitioners who are decree holders in a mortgage suit had obtained a preliminary decree against the respondents on 25.04.2012 and on the basis of the same without obtaining a final decree, the petitioners sought to execute it.

3. By the impugned order dt.06.02.2013, the Court below rejected the said execution petition even without numbering it.

4. Challenging the same, this Revision is filed.

5. Heard Sri Mangena Sree Rama Rao, counsel for the petitioner.

6. In ***Lanka Babu Surendra Mohana Banerji v. Canara Bank***^[1] this Court has held that without obtaining final decree, a preliminary decree in a mortgage suit cannot be executed.

7. Following the same, this Civil Revision Petition is dismissed. There shall be no order as to costs.

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

14th October, 2015.

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^[1] Order dt.07.09.2015 in CRP.No.6084 of 2010