

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

FRIDAY THE ELEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 3059 OF 2015

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Between:

Kaveti Narayana ... Petitioner

V/s.

Vemineni Narapa Nidu ... Respondents

Counsel for the Petitioner: Sri M.N. Narasimha Reddy

Counsel for the Respondents: Sri V. Surender Reddy

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 3059 OF 2015

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ORDER:

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Heard Sri M.N. Narasimha Reddy, learned counsel for the petitioner and Sri V. Surender Reddy for respondent.

2. The Judgment-debtor in EP.No.55 of 2011 in the Court of Senior Civil Judge, Nellore, is the Revision Petitioner.

3. The Revision is directed against the order dated 24/04/2015. In the order impugned in the Revision, the executing court has formulated the following point for consideration:

“whether Decree-holder is entitled to proclaim and sell the EP schedule property in public auction for realization of EP amount ?”

4. The executing court after considering the objections answered the point in the affirmative. Hence, the Revision.

5. The learned counsel for the petitioner contends that the executing court has committed a serious illegality in not noting the real market value of the EP schedule property. According to the petitioner, the value of the EP schedule property is about Rs.43,20,000/- and the valuation given either by the Decree-holder or the Court Amin reflects complete under valuation and if the sale is proceeded with such valuation, the petitioner will suffer irreparable loss.

6. On the other hand, the learned counsel for the respondent contends that the valuation given by the Decree holder and for that matter the court Amin is not conclusive in itself and if the petitioner wishes to give his valuation as well, the procedure as provided has to be followed for including judgment-debtor's valuation. The valuation by Decree holder/Court Amin is by itself not a ground to interfere with the order impugned in the Revision.

7. I have noted the submissions of learned counsel appearing for the parties.

8. The executing court after taking note of all the objections stated in this behalf over-ruled the objections for valid reasons. In exercise of this Court's jurisdiction under section 115 CPC, I do not see any illegality or irregularity to interfere with the order impugned in the Revision.

9. The Civil Revision Petition is dismissed at the stage of admission. No order as to costs. The Revision Petitioner is given liberty to state his valuation of EP schedule within two weeks from today, if he is so advised.

10. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE S.V. BHATT

11/09/2015
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HONOURABLE SRI JUSTICE S.V. BHATT

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Date:11/09/2015
Circulation No.
Court Master: I s L