

HON'BLE SRI JUSTICE R. SUBHASH REDDY

Civil Revision Petition No.2177 of 2010

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Order:

This Civil Revision is filed by the judgment debtor in O.S.No.63 of 2004 on the file of the Senior Civil Judge, Avanigadda, aggrieved by the order dated 17.02.2010 passed in E.P.No.79 of 2008.

The respondent-decree holder obtained preliminary decree against the petitioner herein basing on mortgagae and when the petitioner failed to pay the amount and redeem the property, respondent obtained final decree. When E.P. is filed for sale of the schedule property to realize the decretal amount, objections are filed on behalf of the petitioner. By overruling such objections, impugned order is passed. As against the same, this C.R.P., is filed.

When the matter is called for hearing, it is submitted that after the impugned order came to be passed, sale was proceeded with and auction was also conducted. It is submitted that petitioner herein also filed petition to set aside the sale, which was rejected by the executing court, as against which petitioner has already pursued remedies against the said order. When sale has already taken place, against which he has filed petition to set aside the sale and the same is rejected; in this Civil Revision Petition, which is filed on same set of grounds, petitioner is not entitled for any relief at this stage.

In view of the fact that sale has already taken place, and, further, petition is dismissed refusing to set aside the sale, I see no valid ground to interfere with the impugned order at this stage.

Civil Revision Petition is accordingly dismissed.

As a sequel, miscellaneous petitions if any pending in the C.R.P., stand closed.

R.SUBHASH REDDY, J

January 27, 2015

MRR