

**HON'BLE SRI JUSTICE S. RAVI KUMAR**

**CIVIL REVISION PETITION No.1785 of 2003**

**ORDER:**

This revision is filed against the order dated 22.09.1999 in un-numbered E.A. No. of 1999 in E.P.No.93 of 1998 in O.S.No.439 of 1979 on the file of Principal Junior Civil Judge, Narasaraopet, Guntur District .

2. Brief facts leading to this revision petition are as follows:

Revision petitioner herein filed a petition under Order 1 Rule 10 CPC in E.P.No.93 of 1998 to permit her to come on record in E.P. on the ground that the decree holder executed an agreement of sale in her favour in respect of the property covered by E.P. and the Court below rejected the application holding that petitioner is neither a necessary nor proper party and she is only a subsequent purchaser during execution proceedings and as such the said application is not maintainable. The third party/petitioner assailed the said order in the present revision contending that the Court below acted illegally in rejecting the application and the same has to be set aside.

3. Heard arguments.

4. Advocate for petitioner submitted that the Court ought to have given an opportunity to petitioner to prove

her claim.

5. As seen from the material, petitioner herein, who is a subsequent purchaser during execution proceedings, and unless there is an assignment of decree in O.S.No.439 of 1979 from the decree holder, petitioner cannot step into shoes of decree holder by invoking the provisions of Order 1 Rule 10 CPC. The trial judge rightly rejected the application and there is no illegality or irregularity or wrong exercise of jurisdiction, as such there are no grounds to interfere with the order of the Court below and the revision is devoid of merits.

6. For these reasons, this Civil Revision Petition is dismissed. No costs. Miscellaneous petitions, if any pending, in this revision petition shall stand closed.

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**S. RAVI KUMAR, J**

Date: 25-02-2015

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