

HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

AND

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.4502 OF 2015

ORDER:

This Civil Revision Petition is filed under Section 115 C.P.C against the notice of appearance dated 22.09.2015 issued by the Senior Civil Judge, Narsapur, in E.P.No.106 of 2014.

The notice mainly directs the petitioner to appear on 27.10.2015 and submit her objections, if any. The award dated 19.06.2010 appears to have attained finality, as the petitioner has not questioned the same.

Learned counsel for the petitioner states that without proceeding against the principal debtor, execution proceedings are taken up against the petitioner, who is one of the guarantors.

It is well settled that it is open to the decree holder to proceed against either the principal debtor or the guarantors and it is not necessary that the proceedings have to be initiated firstly against the principal debtor and thereafter against the guarantors. Since there is no order passed by the Executing Court, the revision is not maintainable.

Accordingly, the Civil Revision Petition is dismissed. However, the petitioner is at liberty to appear before the Executing Court and raise all her objections and contentions in the said Court.

VILAS V. AFZULPURKAR, J

P. NAVEEN RAO, J

Date: 19.10.2015

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(order of the Bench delivered by VVA,J)

Date: 19.10.2015

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