

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.2122 of 2015

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Dated 12.06.2015

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Between:

Nissankararao Sankara Srinivasarao and 2 others

...Petitioners

and

1.Sri Krishna Picture Palace,

rep. by its Sole Proprietor

T.Siva Kumar and 7 others

...Respondents

Counsel for the Petitioners: Mr.Koneti Raja Reddy

Counsel for the respondents: None appeared

The Court made the following:

Order:

This Civil Revision Petition is filed against the sale notice, dated 13-05-2015, in EP.No.1 of 2014 in OS.No.276 of 2008, on the file of the Court of the learned III Additional District Judge, Guntur.

The petitioners, who are some of the partners of respondent No.2, suffered a decree for recovery of money in OS.No.276 of 2008, filed by respondent No.1, with joint and several liability. While the petitioners, who are defendant Nos.2 to 4 in the said suit, have filed AS.No.886 of 2012, respondent Nos.3 to 8, who are defendant Nos.5 to 10 in the suit, have filed AS.No.735 of 2012, against the said judgment and decree, in this Court.

Learned Counsel for the petitioners submitted that AS.No.735 of 2012 was disposed of based on the compromise reached between respondent No.1/decreed holder and the appellants therein. However, AS.No.886 of 2012 filed by the petitioners is pending. The learned Counsel has also submitted that the conditional interim stay granted by this Court in AS.No.886 of 2012 has not been complied with. As the petitioners failed to deposit the amount in compliance with the conditional interim order of this Court, the stay stood vacated paving way for respondent No.1 to execute the decree *qua* the petitioners. Accordingly, in EP.No.1 of 2014, filed by respondent No.1, the lower Court has issued sale notice in respect of certain properties belonging to the petitioners.

Though Mr.Koneti Raja Reddy, learned Counsel for the petitioners, made strenuous efforts to convince this Court to interdict the sale proceedings, I do not feel inclined to intervene in the matter.

The decree suffered by the petitioners is the subject matter of AS.No.886 of 2012 and the petitioners have, admittedly, failed to comply with the conditional interim order passed therein. The logical consequence of non-compliance with the

conditional interim order is that the decree holder is entitled to execute his decree. If the petitioners have any objection with regard to the sale notice, they are entitled to either move the executing Court or this Court in the pending appeal and they cannot invoke the revisional jurisdiction of this Court.

For the above-mentioned reasons, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.2823 of 2015, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 12th June, 2015

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