

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

**FRIDAY THE TENTH DAY OF JULY
TWO THOUSAND AND FIFTEEN**

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 1683 OF 2015

Between:

Vemineni Hymavathi ... Petitioner

V/s.

A.Ruthamma & Anr. ... Respondents

Counsel for the Petitioner : Sri V.Surendra Reddy

Counsel for the Respondent : None appeared

The court made the following : [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 1683 OF 2015

ORDER :

The Decree-holder in E.P.No.216 of 2012 in

O.S.No.225 of 2006 in the Court of III-Additional Junior Civil Judge, Nellore, is the Revision Petitioner. The Revision Petitioner challenges the order dated 17/03/2015 whereunder the executing court after considering the oral evidence of PWs 1 to 3 and RW-1 has recorded a finding that the burden cast on the Revision Petitioner to prove that there is disobedience of decree dated 19/7/2006 in OS.No. 225 of 2006 is not disobeyed. Admittedly the suit schedule is a house plot.

2. The learned counsel appearing for the Revision Petitioner has vehemently assailed the findings recorded by the executing court in Para Nos. 12 and 13 by drawing the attention of this court to the cross-examination portion of the evidence of RW-1. The counsel contends that from a plain reading of the cross-examination portion of RAW-1 denial of suggestions and the following sentence, it can be inferred that the Judgment-debtor in fact on the alleged date disobeyed the decree dated 19/7/2006 and

execution petition should have been allowed. With a view to examine the submissions now canvassed are tenable. I have carefully perused the material filed along with EP.No. 216 of 2012, in my considered view, the executing court in the given facts and circumstances, has rightly declined to proceed against the respondent under Order-21, Rule-22 and 32 of C.P.C. I see no merit in the Revision.

4. The Civil Revision Petition is accordingly dismissed. No order as to costs.

5. As a sequel, Miscellaneous Petitions if any, pending in this civil revision petition shall stand closed.

JUSTICE S.V. BHATT

10/07/2015
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HONOURABLE SRI JUSTICE S.V. BHATT

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