

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.4907 OF 2015

DATED:20-11-2015

Between:

Pamidimukkala Swaprakasa Rani ... Petitioner

And

Yarlagadda Satyanarayana

and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Naram Nageswara Rao

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition arises out of order dt.3.7.2015 in E.A. No.69 of 2015 in E.P. No.26 of 2014 in O.S. No.167 of 2013, on the file of the Senior Civil Judge, Repalle.

The petitioner secured a decree against respondent No.5 for recovery of money. During the pendency of the suit, the property of the judgment debtor was under attachment. However, it appears that respondent No.5 has sold the property to respondent Nos.1 to 4 during the subsistence of the attachment. When the petitioner

brought the property to sale through Court, by filing E.P. No.26 of 2014, respondent Nos.1 to 4 have filed E.A. No.69 of 2015 for permitting them to deposit the decretal amount. Though the petitioner raised an objection to the said application, the lower Court has allowed the same.

At the hearing, Mr. Naram Nageswara Rao, learned counsel for the petitioner, submitted that in addition to O.S. No.167 of 2013 filed by his client in which decree under execution is passed, the petitioner's husband and her son also filed two separate suits which were decreed and that if the property is not sold in the E.P. filed by the petitioner, the decree holders in the said two suits may not be able to recover the decretal amounts from respondent No.5. I am afraid, I cannot accept this submission of the learned counsel for the petitioner.

The petitioner cannot plead the case of her husband and son, who obtained separate decrees. As far as the petitioner is concerned, the purpose of bringing the property for sale is to recover the decretal amount. If respondent Nos.1 to 4 have come forward to pay the decretal amount, the petitioner cannot insist on sale of the property on the ground that it may prejudice the interests of her husband and son. As rightly pointed out by the lower Court, the decree holders in the other suits are entitled to take appropriate steps for recovery of the amounts under the decrees secured by them by initiating various measures, including seeking sale of the property of respondent No.5.

In view of the above, I do not find any merit in this civil revision petition and the same is accordingly dismissed.

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C.V. NAGARJUNA REDDY, J

20-11-2015

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