

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.1556 of 2011

ORDER:

This revision petition is filed challenging the sale held on 8.03.2011 in respect of the property mentioned in E.P.No.2 of 2009 in O.S.No.148 of 2007 on the file of the Additional Senior Civil Judge, Tenali.

Learned counsel for the petitioner contends that the provisions under Order 21 Rule 64 C.P.C., as well as Order 21 Rule 79 C.P.C. are violated, and therefore, the sale is liable to be declared as void.

Learned counsel for respondent states that since no application under Order 21 Rule 90 C.P.C. had been filed in the Court below till date to set aside the sale, it is not open to the petitioner to raise these grounds for the first time before this Court without raising them before the Court below.

Learned counsel for petitioner therefore sought to withdraw the C.R.P. with liberty to take appropriate steps in the Court below.

Therefore, granting liberty to petitioner to take appropriate steps to question the sale in the Court below, this Civil Revision Petition is dismissed. However, it is made clear that no opinion is expressed by this Court on the merits of the claim of the petitioner.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

M.S. RAMACHANDRA RAO,J.

23rd September, 2015

Js.