

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.1404 of 2015

Date:19.06.2015

Between:

Palla Avobulu,
S/o Peddanna and two others.

..... Petitioners

And:

Palla Seethamma,
W/o Late Peddanna and another.

.....Respondents

Counsel for the petitioners: Sri N.V.Amarnath

Counsel for the Respondents: None appeared

The Court made the following:

ORDER:

This Civil Revision Petition is filed by the petitioners, who are third parties to O.S.No.224 of 2012 on the file of the Junior Civil Judge, Gurazala, feeling aggrieved by the filing of an Execution Petition by respondent No.1-decree holder against them.

Sri N.V.R.Amarnath, learned counsel for the petitioners, submitted that the decree for injunction is personal and that therefore, respondent No.1 is not entitled to file Execution Petition arraigning the petitioners as judgment-debtor Nos.2 to 4.

A perusal of the afore-mentioned decree shows that permanent injunction is granted against respondent No.2 and her men and agents claiming through her from interfering with the possession and enjoyment of the

plaintiff/respondent No.1 herein. Respondent No.1 has alleged in the E.P. that the petitioners herein have been causing obstructions to her possession and trying to evict her from the suit schedule property.

In the face of these allegations, it cannot be said that impleadment of the petitioners as judgment debtor Nos.2 to 4 in the E.P. is not permissible in law. This Court may, however, hasten to add that the petitioners are entitled to contest the E.P. on all legally permissible grounds and seek its dismissal or undertake before the Executing Court that they will not violate the decree.

Subject to the above observations, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.1899 of 2015 filed by the petitioners for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*19th June, 2015
DR*