

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.2413 of 2015

ORDER :

This Civil Revision Petition, under Section 115 of C.P.C., is filed against the order dated 09.04.2015 passed in E.A.No.19 of 2012 in E.P.No.182 of 1994 in O.S.No.362 of 1985 on the file of IX Additional Senior Civil Judge (FTC), City Civil Court at Hyderabad.

The aforesaid suit is filed for specific performance of the agreement of sale with regard to the suit schedule property bearing No.1-2-525 admeasuring 3804.44 sq. yards situated at Domalguda, Hyderabad.

In execution proceedings, several claim petitions have been filed and they are dismissed. Against the same, it is stated that some of the claim petitioners have carried the matter in appeal and obtained interim orders.

To execute the decree to the extent of the land in occupation of claimants, who have not carried the matter in appeal, the petitioner/decreed-holder filed E.A.No.19 of 2012 seeking re-issuance of warrant of delivery of possession in respect of the portion delineated in blue colour in the plan and also a direction to the bailiff of the Court to put the petitioner in possession of such property. In such application, the Court below, by order dated

23.01.2015, permitted the petitioner to publish notice in Andhra Jyothi Telugu Daily and Siasat Urdu Daily newspapers of Hyderabad Edition, in respect of the relief sought for, by duly publishing the plan comprising 538 sq. yards of premises No.1-2-525 and its by-numbers situated at Domalguda, Hyderabad. Thereafter, the petitioner got published the notice as per the directions issued in the order dated 23.01.2015. When proof of publication was submitted to the Court below, the impugned order is passed on the ground that the publication in both the newspapers is not in conformity with the orders passed earlier.

In this revision, it is the contention of the petitioner that in the order dated 23.01.2015 there was no direction to show the subject portions of land in blue colour in publication, as such, it is not open to the Court below to pass order dated 09.04.2015, holding that the publication is not in conformity with the directions issued by it in the earlier order.

It is true that in the order dated 23.01.2015, it is not clearly mentioned that publication shall be made for issuing warrant of delivery of possession of the portions of the land, which are not covered by interim orders, but at the same time, if such portions are not shown in a separate colour, it will not amount to proper service on the parties. In that view of the matter, this Court is of the view

that it is appropriate to dispose of the matter setting aside the impugned order and permitting the petitioner to make a fresh publication by showing the portions, in respect of which he is claiming fresh warrant of delivery of possession, in a different colour in the map and submit proof thereof in the Court below, and upon filing such proof, the Court below shall examine the same and pass appropriate orders.

Subject to the above, the Civil Revision Petition is disposed of. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

**JUSTICE R. SUBHASH
REDDY**

04.09.2015
v v