

**THE HONOURABLE SRI JUSTICE U.DURGA PRASAD
RAO**

CIVIL REVISION PETITION No.2971 of 2015

ORDER:

Heard Sri K. Manik Prabhu, learned counsel for petitioners and Sri A. Nagendra Rao, learned counsel for respondent.

2. The main grievance of the revision petitioners/J.Drs is that decree in O.S.No.10 of 2001 was passed on 11.08.2005 and EP was filed by the respondent/DHr on 08.11.2010 i.e., after five years three months and when the notice was served on the petitioners/J.Drs under Order 21 Rule 22 CPC, they have filed their objections, but the executing Court has not considered their objections under Order 21 Rule 23(2) CPC and straight away passed Docket Order dated 05.06.2015 to proclaim and sell the property by publishing the sale in Prajashati on 30.07.2015 and by virtue of the said Order, the valuable right of the petitioners under Order 21 Rule 23 (2) CPC is jeopardized and hence, the revision may be allowed.

3. Learned counsel for both sides submitted that matter may be remanded to the executing Court to give an opportunity to hear both sides and pass an appropriate order in terms of Order 21 Rule 23(2) CPC.

4. In the light of the above submission by both sides, the Civil Revision Petition is allowed and Ordered as follows:

- a) Learned Senior Civil Judge, Sompeta, shall give an opportunity to both sides to address their arguments and then pass an appropriate order in terms of Order 21 Rule 23(2) CPC in E.P.No.17 of 2010 in O.S.No.10 of 2001 within one month from the date of receipt of this Order.

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

U.DURGA PRASAD RAO, J

Date: 11.09.2015

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