

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

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CIVIL REVISION PETITION No.4268 OF 2014

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ORDER:

The Civil Revision Petition is filed by the petitioner against the order dated 12.06.2014, passed by the Senior Civil Judge, Sathupally, Khammam District, in E.A.No.82 of 2012 in E.P.No.3 of 2011, wherein and whereby the application filed by the petitioner under Order XVIII and Rule 17 read with Section 151 C.P.C, was dismissed.

The brief facts of the case are that one Y. Satyanarayana father of the respondents 2 to 4 herein filed a suit in O.S.No.1 of 2002, on the file of Senior Civil Judge, Sathupalli, against the petitioner herein and the same was decreed in favour of the said Y. Satyanarayana. Subsequently, as the said Y. Satyanarayana died, his Legal Representatives filed E.P.No.3 of 2011, before the Court below for execution and the petitioner herein had filed a counter in the E.P taking a specific plea that the decree holders who are the legal heirs of the deceased/DHr Y. Satyanarayana are not competent to file the present E.P and they have to obtain succession certificate in terms of Section 214(1)(b) of the Indian Succession Act, 1925. After hearing both sides, the Court below dismissed the said E.A.No.3 of 2011 by its order dated 12.06.2014. Hence, the present revision petition.

Learned counsel for the petitioner placed reliance on the judgment of this Court reported in **Akula Rangappa vs. Narayana Swamy** and contended that the issue involved in this case is squarely covered by the said judgment. Learned counsel for the respondents does not dispute any thing about this proposition. In that view of the matter, order dated 12.06.2014, passed by the Senior Civil Judge, Sathupally, Khammam District, in E.A.No.82 of 2012 in E.P.No.3 of 2011 is liable to be set aside.

Accordingly, the Civil Revision Petition is allowed setting aside the order dated 12.06.2014, passed by the Senior Civil Judge, Sathupally, Khammam District, in E.A.No.82 of 2012 in E.P.No.3 of 2011. However, liberty is given to the respondents herein to take appropriate steps for execution of the decree and judgment in O.S.No.1 of 2002, in accordance with law. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this revision petition shall stand dismissed.

CHALLA KODANDA RAM,J

Date:07.04.2014

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THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

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