

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.1147 of 2015

ORDER :

This civil revision petition is filed under Section 115 of the Code of Civil Procedure, by a third-party-claimant, aggrieved by order dated 16.03.2015, passed by the Principal Junior Civil Judge, Machilipatnam, in E.A.No.21 of 2015 in E.P.No.228 of 2012 in O.S.No.225 of 2002.

2. Based on the registered sale deed executed by the 2nd respondent, the 1st respondent has filed suit for recovery of possession of suit schedule property in O.S.No.225 of 2002. The said suit is decreed and the same has become final. In execution proceedings, earlier, one Tirumalasetty Chennaiah has filed a claim petition contending that he purchased the suit schedule property from the 2nd respondent under possessory agreement of sale. The said application was dismissed, and thereafter, the present application is filed by the petitioner who is claiming unregistered lease for 20 years from the 2nd respondent, but he has not chosen to file any lease deed at all. Disbelieving the claim of petitioner, the petition is dismissed.

3. It appears that only to defeat the fruits of the decree obtained by the 1st respondent, claims are being made by the third parties, creating hurdles in execution proceedings. The 2nd respondent, at one stage, has filed a suit for partition contending that the suit schedule property does not belong to him and it belongs to his wife, and thereafter, a further claim petition was filed by one Tirumalasetty Chennaiah, based on the possessory agreement of sale. Next is the present petition filed by the petitioner, claiming possession of suit

schedule property based on lease deed from the 2nd respondent, which has not seen the light of the day. It is clear from the averments that a petition after petition is being filed creating hurdles in execution of decree obtained by the 1st respondent/decreed-holder in O.S.No.225 of 2002.

4. In view of the reasons recorded by the trial Court, I do not find any ground to interfere with the impugned order. The revision petition is accordingly dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

25th March 2015

ajr