

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

CIVIL REVISION PETITION No. 3002 of 2015

Between:

Ismath Siddique

_____. **.. Petitioner**

and

Puchakala Laxmi and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 30.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 3002 OF 2015

ORDER:-

The present civil revision petition is filed under Article 227 of Constitution of India aggrieved by non-disposal of E.A.Nos.8 and 9 of 2015 in E.P.No.71 of 2010 in O.S.No.35 of 2006 on the file of the Senior Civil Judge at Karimnagar, before finalizing the E.P. proceedings.

The facts in issue, in brief, are as under:

The 1st respondent herein filed O.S.No.35 of 2006 on the file of the Senior Civil Judge, Peddapalli, against the 2nd respondent for recovery of amount on the foot of a promissory note. The suit was decreed on 29.06.2009. As the 2nd respondent failed to pay the decretal amount of Rs.5,13,661/-, the 1st respondent herein filed E.P.No.71 of 2010 on the file of the Senior Civil Judge at Karimnagar for sale of the petition schedule property belonging to the 2nd respondent in a public auction. The E.P. was allowed and the petition schedule property was ordered to be sold in a public auction in execution of the decree. As the 3rd respondent became the highest bidder in the auction and as he complied with the formalities of depositing a sum of Rs.20,10,000/- towards sale amount and the other expenses, the sale was confirmed in his favour and a

sale certificate was also issued in his favour on 01.10.2014. Thereafter i.e., in the month of January, 2015 the petitioner is said to have filed E.A.No.8 of 2015 seeking to declare her as a owner and possessor of the petition schedule property and to cancel the sale of the property in favour of the 3rd respondent. The petitioner also filed E.A.No.9 of 2015 seeking stay of all further proceedings in E.P.No.71 of 2010 including delivery of possession of the schedule property. Since both the applications are not taken up for consideration till date though filed in January, 2015, the present revision is filed seeking disposal of the same.

Heard the learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner mainly submits that the petitioner is a bonafide purchaser of the petition schedule property and if the possession of the property is delivered to the 3rd respondent, without considering the applications filed by him, the petitioner will be put to irreparable loss and hardship.

The material placed before the Court would show that both the E.As. were filed in the month of January, 2015 and counter was filed by the auction purchaser (3rd respondent) on 30.06.2015. In view of the same, the Senior Civil Judge at Karimnagar is directed to dispose of E.A.Nos.8 and 9 of 2015, in accordance with law, at the earliest.

With the above direction, the Civil Revision Petition is disposed of at the stage of admission. There shall be no order

as to costs.

Consequently, miscellaneous petitions, if any, pending in the revision shall stand closed.

C. PRAVEEN KUMAR, J

30th July, 2015
cbs

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