

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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CIVIL REVISION PETITION No.775 of 2016

ORDER:

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This civil revision petition under Section 115 of the Code of Civil Procedure, 1908 ('the Code', for brevity) is filed by the petitioner/Judgment Debtor assailing the order dated 08.10.2016 of the learned Sub Divisional Magistrate (Mobile Court) at Bhadrachalam passed in IA.No.10 of 2016 in EP.No.29 of 2015 in OS.No.286 of 2013.

2. I have heard the submissions of the learned counsel for the revision petitioner. I have perused the grounds of revision and the order impugned.

3. The learned counsel for the revision petitioner would submit that the Decree Holder having obtained a decree for money against the Judgment Debtor had filed the Execution Petition and that by the orders impugned, the Mobile Court had directed the disbursing officer/2nd respondent herein not to disburse an amount of Rs.1,60,000/- from out of the arrears and other benefits of the Judgment Debtor and that the order impugned is passed without considering the facts properly and that the Court below also did not dispose of another interlocutory application filed under a relevant Rule of the A.P. Agency Rules, 1925 read with Section 151 of the Code and that, therefore, the order impugned is liable to be set aside. He would further submit that the JDr may be given an opportunity to file his counter, if not already filed and contest the E.P on merits and that the Court below may also be directed to dispose of the interlocutory application filed by the JDr under the relevant Rule of the A.P. Agency Rules read with Section 151 of the Code before passing further orders in the Execution Petition.

4. Having regard to the facts and the submissions, this Court finds that the order impugned brooks no interference and that the revision petition is liable for dismissal.

5. Accordingly, the Civil Revision Petition is dismissed confirming the

order of the Court below. However, it is made clear that the JDr is at liberty to file his detailed counter, if not already filed before the Court below. The Court below is directed to dispose of, on merits, the execution application, if any, filed by the JDr and pending, before passing further orders in the Execution Petition in accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this CRP shall stand closed.

JUSTICE M. SEETHARAMA MURTI

12.02.2016

Vjl