

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 212 of 2011

ORDER:

The petitioner is a decree holder in O.S.No.105 of 1988 on the file of Junior Civil Judge, Kalwakurthy. The said suit was filed for specific performance of agreement of sale dt. 9.7.1958 in respect of the land bearing survey Nos. 152 and 47 in an extent of Ac.15.09 guntas and Ac.14.12 guntas, respectively, situated at Antharam and Pedda Adirala Villages of Jadcharla Mandal and for perpetual injunction. The said suit was decreed on 28.04.1993 by directing the plaintiffs and defendants to receive the balance sale consideration and to execute a registered sale deed in respect of the suit schedule property. Thereafter, E.P.No.36 of 1999 was filed for attachment of property of the judgment debtor and their detention in Civil prison or by both. In the said Execution Petition, E.A.No.41 of 1999 was filed seeking a direction to the judgment debtor to execute a registered sale deed in respect of the land situated in survey No.152 admeasuring Ac.15.09 guntas and the same was allowed. Thereafter, E.P.No.36 of 1999 was disposed of on 31.03.2009 directing the decree holders to file draft sale deed by 30.04.2009. The sale deed was executed on 12.11.2009 and the E.P was closed on 19.10.2010. When the said EP was pending, the present application in E.A.No.19 of 2009 was filed seeking amendment of EP by inserting the land in survey number 47 also. The said application was dismissed on the ground that the petitioner did not seek for inclusion of survey No.47 either in the earlier E.A.No.41 of 1999 or in E.P.No.36 of 1999 till its disposal on 31.03.2009 directing for filing of draft sale. Now the EP itself is closed while dismissing the application in E.A.No.19 of 2009 on 19.10.2010.

In the circumstances, this Court is not inclined to entertain the present Civil Revision Petition. However, it is left open to the petitioner to file another execution petition, if he is so advised, and if the law permits.

Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 08.02.2016

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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