

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION NO. 1063 of 2016

Date: 18.03.2016

Between:

B.Jayanageswar Reddy S/o late B V Mohan Reddy
R/o 1-1293, HBS colony,
Near Narayana Junior College, Yemmiganur,
Kurnool

.... Petitioner/petitioner/
Judgement debtor

AND

R Subrahmanyam S/o Sri R Chittibabu
R/o D No. 9-12, Gandhi Road, Chittoor district

.. Respondent/respondent/
Decree holder

This Court made the following :

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Plaintiff filed O.S.No.139 of 2013 on the file of the Court of I Additional District Judge, Anantapur praying to grant specific performance of agreement of sale executed by the defendant over the suit schedule properties. The suit was decreed in favour of the plaintiff on 28.11.2014. The suit schedule properties are classified as item Nos. 1 and 2. Properties mentioned in Item No.1 are located in Anantapur District. Properties mentioned in Item No.2 are situated in Ullindakonda village, Kurnool district. In order to enforce the decree granted in favour of the plaintiff insofar as item no.2 properties are concerned, the decree was transferred to the Principal District Judge Court, Kurnool, who in turn assigned to the Court of I Additional District Judge, Kurnool. E.P.No.29 of 2015 is pending consideration of the said Court.

2. While so, plaintiff filed E.P.No.14 of 2015 on the file of the Court of I Additional District Judge, Anantapur for enforcing the decree in respect of properties situated within the jurisdiction of that Court.

3. Petitioner herein/defendant filed E.A.No.36 of 2015 praying to dismiss E.P.No.14 of 2015. The said E.A was dismissed by the order impugned in this revision.

4. Heard Sri C. Raghu, learned counsel for petitioner-defendant and Sri Suresh Kumar Reddy Kalaval, learned counsel appearing for sole respondent.

5. Learned counsel for petitioner-defendant contended that when the decree was transferred to the Court of I Additional District Judge, Kurnool and E.P. is pending in the said Court, another execution petition in the same suit in another Court is not maintainable and is liable to be dismissed. He therefore contended that Court below erred in dismissing E.A.No.36 of 2015 filed by the petitioner/defendant.

6. Learned counsel for the respondent –plaintiff submitted that there is no legal bar in prosecuting separate execution petitions before various Courts simultaneously. The subject property in E.P.No.29 of 2015 is within the jurisdiction of Court of I Additional District Judge, Kurnool, whereas E.P.No.14 of 2015 on the file of Court of the I Additional District Judge, Anantapur is concerning the properties situated within the jurisdiction of the said Court. As all the properties form part of the suit schedule, for enforcement of the decree passed in favour of plaintiff, he is entitled to prosecute the execution petitions simultaneously.

7. It is not in dispute that the properties mentioned in E.P.No.29 of 2015 on the file of the Court of I Additional District Judge, Kurnool and properties against which E.P.No.14 of 2015 is filed on the file of the Court of I Additional District Judge, Anantapur are different. There is no legal bar to institute simultaneously execution petitions before various Courts.

8. Therefore, I see no illegality in the order passed by the Court below in rejecting the objection raised by the defendant-petitioner herein and in dismissing the petition filed by him.

9. The revision fails and accordingly the same is dismissed. There shall be no order as to costs.

Miscellaneous petitions if any pending in this revision petition

shall stand closed.

JUSTICE P.NAVEEN RAO

Date : 18-03-2016
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