

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

C.R.P. No.4909 of 2015

ORDER :

The revision petitioners are the judgment debtors and revision-respondent is the decree-holder in execution of decree in O.S. No.47 of 2003 by E.P. No.9 of 2009 on the file of the Additional Senior Civil Judge, Anakapalle for attachment and sale of the immovable property of the judgment debtors.

2) Undisputedly the 1st Judgment debtor's brother after executed registered gift settlement, under Ex.B-1 dated 21.03.1961, in favour of the 1st judgment debtor giving life interest to him with vested remainder to children to be born and as on date the second judgment debtor is the only issue of the 1st judgment debtor as vested remainder holder. It is the settled law that a right once vested will not divest. The mere postponement of possession cannot be allowed to contest as no right is vested.

3) Having regard to the above, there is nothing to interfere with the impugned order of the learned Senior Civil Judge, thereby the revision is dismissed. There shall be no

order as to costs. Pending miscellaneous petitions, if any,
shall stand closed.

Dr. B. SIVA SANKARA RAO, J

26.09.2016
ksh

