

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION No.1642 of 2011

ORDER :

This civil revision petition is filed by the petitioner/J.Dr.No.2 against the order dated 11.04.2011 in E.P.No.22 of 2010 in O.P.No.18 of 1989 passed by the Senior Civil Judge, Peddapalli, Karimnagar District, wherein the Court below issued attachment warrant against the petitioner herein, under Order 21 Rule 46 of Code of Civil Procedure.

2. The said order is questioned mainly on the ground that the Executing Court without determining the amount, passed order issuing attachment and one more ground is that A.S.M.P.No.2935 of 2013 in A.S.No.1606 of 1998 to condone the delay in filing the Review application is filed before this Court.

3. Today, learned counsel for the respondent/D.Hr produced the order dated 25.11.2013 passed by this Court stating that the said application for condonation of delay in filing the Review application was dismissed. As such the impugned order has become final.

4. Heard. Perused the material on record.

5. A perusal of the impugned order goes to show that the amount liable to be paid by the petitioner herein is not determined and that the order is passed basing on the orders passed by this Court. No doubt in the E.P., the amount which the petitioner herein is liable to pay is mentioned. But the same has to be determined by taking into account the counter filed by the petitioner herein before the Court below in E.P.No.22 of 2010.

6. Having regard to the above, only on the short ground that the amount is not determined, the impugned order is set aside. However, since the O.P., is of the year 1989 and the matter pertains to land acquisition, which are acquired long back, I feel that the execution petition may be disposed of, as expeditiously as possible. Since the respondent has lost his land, the Court below is directed to dispose of E.P.No.22 of 2010 in O.P.No.18 of 1989, within a period of two (2) months from the date of receipt of copy of this order after giving opportunity to both petitioner as well as respondent in the E.P., in accordance with law.

7. Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in this civil revision petition, shall stand closed.

23rd March, 2016

A. RAJASHEKER REDDY,J

Note : Issue c.c. in one week.

B/o.
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