

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION NO.5713 OF 2015

ORDER:

This revision is preferred under Article 227 of the Indian Constitution seeking revision of an order that was passed on 13.10.2015 by the learned III Additional District Judge, Ranga Reddy District in I.A.No.1136 of 2014.

I.A.No.1136 of 2014 is moved by the present petitioner with a prayer to set-aside and discard the report dated 20.06.2014 submitted by the Advocate Commissioner appointed in I.A.No.1104 of 2013 in IA.No.918 of 2013 in O.S.No.1228 of 2013. Two grounds have been urged in support of his plea. One is that the learned Advocate Commissioner has not delivered notice of intimation of execution of the warrant. Second is that, he has not acted upon the request to defer the execution of the warrant, as the civil revision petition preferred against the appointment of the Advocate Commissioner is under consideration of this High court.

Heard Sri Ramanand Chavali, learned counsel for the petitioner. The undisputed fact of the matter is that the Advocate Commissioner appointed by the Court has sent a message through short messaging service (SMS) intimating that he is executing the warrant at 4.00 pm on 20.06.2014. It appears, in the past also, the attempts made by the Advocate Commissioner to execute the warrant have met with resistance. Therefore, this time around, a written intimation of execution of the warrant is also delivered through registered post. This written intimation is dated 17.06.2014. From the information retrieved from the India Post, which is placed at page no.29 of this paper book, it has emerged that the learned Advocate Commissioner has booked the register cover at 11:38:43 hours on 17.06.2014 and it has been attempted to be delivered to the addressee

on 18.06.2014. But, however, the postman could not deliver the cover, as the door was locked and first intimation of the postal cover has been delivered. The article was retrieved at 14:24:19 at 20.06.2014. It is therefore, clear that the intimation of execution of the warrant in writing has been sent to the correct address and it also reached the addressee on 18.06.2014 itself, but, it could not be delivered because the door of the addressee is locked. When once the postman has delivered intimation about arrival of an article through registered post, the addressee is supposed to retrieve the said article by visiting the post office and it was so done in the instant case on 20.06.2014. But, inspite of the same, no action considered appropriate by participation in the execution of the warrant by the Advocate Commissioner was undertaken. Therefore, the order passed by the Court below on 13.10.2015 does not warrant any interference and accordingly, this revision petition is dismissed, at the admission stage.

It is needless to observe that the objections that are filed on the report of the Advocate Commissioner will be dealt with in accordance with law.

Consequently, miscellaneous petitions if any, shall also stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

22.01.2016
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