

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.171 of 2016

ORDER:

The Civil Revision Petition is filed against the order dated 30.11.2015, passed by the Principal Senior Civil Judge, Nandyal in EA.No.1028 of 2012 in EP.No.303 of 1997 in OS.No.8 of 1987, wherein the Court below has dismissed the application filed by the petitioner under Section 11 of CPC.

The case of the petitioner is that the respondent Bank filed execution petitions viz. EP.Nos.300 and 301 of 1997 and the same were dismissed vide common order dated 12.09.2002 by the Prl.Senior Civil Judge, Nandyal on the ground that the petitioner has no means to pay the decretal amounts. The petitioner states that when once he is declared as having no means, again enquiry cannot held in the present EP.303 of 1997 and the findings in EP.Nos.300 and 301 of 1997 constitute resjudicata.

It is to be seen that EP.No.303/1997 is pending. The petitioner can raise all the contentions in the said EP and the present application EA.1028/2012 is redundant and the Court below may consider the pleas taken in EP.303/1997 as per law for conducting enquiry. In view of the same, I do not see any infirmity in the order dated 30.11.2015 passed by the Court below warranting interference under Article 227 of the Constitution of India. Accordingly, the CRP is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the CRP, shall stand closed.

21.01.2016
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A.RAJASHEKER REDDY, J